

Members are reminded that they must declare all relevant pecuniary and non-pecuniary interests relating to any items of business to be discussed at this meeting

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE C

WEDNESDAY, 22 MARCH 2017 AT 09:30 HOURS
IN COMMITTEE ROOM 1, COUNCIL HOUSE, VICTORIA SQUARE,
BIRMINGHAM, B1 1BB

A G E N D A

1 NOTICE OF RECORDING

Chairman to advise meeting to note that members of the press/public may record and take photographs where there are confidential or exempt items.

2 APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3 MINUTES

3 - 36

To note the public part of the Minutes of the meeting held on 8 February 2017.
To note the public part of the Minutes of the meeting held on 22 February 2017.

4 LICENSING ACT 2003 - TEMPORARY EVENT NOTICE - TOWER BALLROOM, 101 RESERVOIR ROAD, EDGBASTON, BIRMINGHAM, B16 9EE

37 - 56

Report of the Acting Director of Regulation and Enforcement.
NB - Application Scheduled to be heard at 0930 hours on Wednesday 22 March 2017.

5 LICENSING ACT 2003 - TEMPORARY EVENT NOTICE - TOWER BALLROOM, 101 RESERVOIR ROAD, EDGBASTON, BIRMINGHAM, B16 9EE

57 - 76

Report of the Acting Director of Regulation and Enforcement.
NB Application scheduled to be heard at 0930 hours on Wednesday 22 March 2017.

6 OTHER URGENT BUSINESS

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chairman are matters of urgency.

7 **EXCLUSION OF THE PUBLIC**

That in view of the nature of the business to be transacted which includes exempt information of the category indicated the public be now excluded from the meeting:-

Minutes - Exempt Paragraphs 3 and 4

P R I V A T E A G E N D A

1 **MINUTES**

To note the private part of the Minutes of the meeting held on 8 February 2017 and to confirm and sign the minutes as a whole.

To note the private part of the Minutes of the meeting held on 22 February 2017 and to confirm and sign the minutes as a whole.

2 **OTHER URGENT BUSINESS (EXEMPT INFORMATION)**

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chairman are matters of urgency.

BIRMINGHAM CITY COUNCIL

**LICENSING SUB-
COMMITTEE C
08 FEBRUARY 2017**

**MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE C HELD
ON WEDNESDAY 08 FEBRUARY 2017
AT 0930 HOURS IN COMMITTEE ROOM 1,
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Alex Buchanan in the Chair;

Councillors Barbara Dring and Neil Eustace

ALSO PRESENT:

David Kennedy – Licensing Section
Shaid Yasser (Moseley Wines) – Licensing Section
Joanne Swampillai – Legal Services
Tayyibah Daud – Committee Manager

NOTICE OF RECORDING

01/080217 The Chairman advised the meeting that members of the press/public may record and take photographs except where there are confidential or exempt items.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

02/080217 Apologies were submitted on behalf of Councillor Leddy. It was noted that Councillor Dring was the nominated member.

**LICENSING ACT 2003 PREMISES LICENCE – REVIEW MOSELEY WINES, 44
ST MARYS ROW, BRIMINGHAM, B13 8JG**

The following persons attended the meeting:

On behalf those making representations

Paul Ellson – Trading Standards Enforcement Officer (for and on behalf of Donna Bensley Chief Inspector of Weights and Measures)

Abdool Rohomon – West Midlands Police

Damien Baxter – West Midlands Police (Observing)

Teresa Wilding – Licensing Enforcement Officer

Kyle Stott – Public Health Officer

Nicole Pugh – Public Health (Observing)

On behalf of the Premises Licence Holder

Patrick Burke – Solicitor on behalf of Licence Holder

Akhtar Zaman – Father of Licence Holder

The following reports of the Acting Director of Regulation and Enforcement were submitted:-

(See Document No. 1)

Following introductions by the Chairman, Mr Kennedy, Licensing Section, made introductory comments relating to the report.

Officer Ellson in presenting the case for Trading Standards and in response to questions from Members, made the following points:

1. On 24th August 2016 an inspection was undertaken by West Midlands Police, Birmingham Licensing Enforcement and Trading Standards.
2. The Licence holder, Mr Zaman and the Licence Holders father were present at the premises.
3. Officer Ellson informed the Licence Holder there was reasonable ground to suspect that there was illicit/non-duty paid alcohol at the premises.
4. Illicit alcohol falls into two distinct categories: where alcohol is completely counterfeit or where the alcohol inside the bottle is correct but there are counterfeit labels on the bottle, in order to avoid paying tax.
5. The shop is very small. A thorough search was conducted on the premises.
6. During the inspection, 6 bottles of High Commissioner Whisky and 7 bottles of Glen's vodka were found; all of these bottles had poor quality labels, indicating they were illicit/non-duty products.
7. There was illicit alcohol found behind the counter and in boxes under the counter, showing a clear intention to hide the products.
8. Clearly items were being moved from under the counter to the back of the counter to be sold to the public.
9. Even though 23 bottles sound like a smaller quantity, in comparison to the size of the premises it equates to a considerable amount.

10. The illicit bottles stored at the premises have a specific code, which can date back to when the alcohol was manufactured informing the consumer of the week and year it was manufactured.
11. The dates on the bottles of alcohol (2014/2015) predate since Mr Zaman was granted the premises licence.
12. A sample of the seized items was sent to Loch Lomond Group, it was confirmed that all the High Commissioner Whisky and the Glen's Vodka has counterfeit rear labels applied, and incorporated a fake UK duty stamp but there were genuine products inside.
13. The only way these items can be supplied is through illegal methods. This is all done by cash. This is a clear issue of tax avoidance scheme, which is undertaken by organised crime gangs.
14. The traceability element is paramount as it allows consumers to know where the product has come from. If something goes wrong with a food and drink product, then the traceability element is important, as it allows us to know where the product has come. However, in this case there is no way of tracing the products back.
15. An interview was conducted with the Licence Holder by Officer Ellson after the inspection. Mr Zaman stated he found products in his shop when he took over the premises. However, no explanation was given as to how long the products had been there. As a Licence Holder, Mr Zaman had the responsibility to undertake steps to check the authenticity of the products he intended to sell.
16. Mr Zaman's actions have clearly breached the Trade Marks Act 1994, the Consumer Protection from Unfair Trading Regulations as well as Food Safety Legislation.
17. Mr Zaman is a relatively new owner of the premises; however, it is vital to note that Mr Zaman also has another premises, Woodbridge News, which after inspection also revealed to have illicit alcohol.
18. Although none of the products ceased, were injurious to health, it is important to note that the Licence Holder, had shown a complete disregard by purchasing them illegally.

Mr Kennedy informed Members the Premises Licence was granted in June 2016. The Licence Holder, Mr Zaman, has another licensed premise called Woodbridge News which was transferred to him on 21st October 2015.

19. Having a premises licence is privilege and not a right. The Licensee was made aware of the four licensing objectives and has clearly breached these in the aim of increasing sales and thus shown complete disregard to the objectives.

PC Rohomon in presenting the case for West Midlands Police and in response to questions from Members, made the following points:

1. The seriousness of the outcome of the inspection is vital as there is clear lack of evidence to demonstrate where the bottles have come from.
2. The problems organised crime groups cause with illicit alcohol and tax invasion is large.
3. Any business which operates should be able to provide receipts of the goods retailed at their premises. These premises have not produced any receipts.
4. Even if the illicit alcohol was at the premises before it was taken over, there must be some written information to prove where the goods had come from.
5. It does not matter to the quantity of the products found; it is the issue of illicit products being available at the premises to be brought by the public.
6. The degree of organisation is visible as the products have been divided between the two premises that are owned by Mr Zaman.
7. Section 182 of the guidance issued under the Licensing Act 2003 states crimes such as unlawful pornography are deemed the same level of seriousness as the sale or storage of smuggled alcohol.
8. In addition, guidance 11.28 furthers strengthens this as after a review, if it determined that the crime prevention objective is being undermined, even in the first instance, revocation should be seriously considered.
9. Only course of action is to revoke. There is no evidence of what stock was in that shop when he brought it. These were brought with full knowledge of the Licence Holder, they are popular products.

Officer Wilding in presenting the case for Licensing Enforcement and in response to questions from Members, made the following points:

1. On 18th August 2016 a routine compliance inspection in regards to the conditions of the premises was undertaken by licensing enforcement. Mr Zaman was not present the father was.
2. It became apparent that none of the conditions of the licence had been adhered to such as: no training records could be produced; no refusal logs, no CCTV systems had been installed and no age challenge policies were in place.

3. When visiting the premises on 24th August 2016 it was still clear that still none of the conditions were being adhered to and on this occasion found illicit products.
4. It is clear that Mr Zaman has breached Section 136 of the Licensing Act 2003, by not acting in compliance with the conditions of the licence.
5. Section 144 of the Licensing Act and in particular the guidance under Section 182 specifically draws attention to storage and sale of smuggled alcohol. Clearly the Act is intended to prevent crime and disorder.
6. The sale of illicit alcohol affects society as a whole and is not a victimless crime. Public safety is at risk as traders are not aware what they are selling and this can cause a huge loss to the UK revenue.
7. Mr Zaman has actively undermined at least two of the licensing objectives: prevention of crime and disorder as well as public safety and revocation of this licence is the only best suitable outcome.

Officer Stott, in presenting the case for Public Health and in response to questions from Members, made the following points:

1. Illicit alcohol being found at the premises has severe ramifications on the licensing objectives and cannot be tolerated.
2. Selling of illicit products seriously undermines the prevention of crime and disorder objective. As the illicit trade is attracted to organised criminal groups and other criminal activities such as drug trafficking.
3. The high profit margins associated with illicit trade are used to fund other criminal activities a fact which is not widely understood by the British public.
4. The proceeds from organised crime groups can find their way into other activities such as cyber-crime, drugs and human trafficking.
5. In regards to the public safety condition, commonly used substitutes for alcohol include methanol and isopropanol. Consuming alcohol products containing these chemicals can cause kidney or liver problems and can potentially lead to death. Fortunately the content in the bottles was not fake; however, the Licence Holder was unsure of the contents and thus supplying something which could have been injurious to the public.
6. In regards to the protection of children from harm, it cannot be ignored that counterfeit alcohol is often linked to organised crime groups. The proceeds of organised crime groups can be linked to other illegal activities which include child sexual exploitation and human trafficking.
7. In Birmingham, circa 20,000 children are affected by parental alcohol problems.

Mr Kennedy informed the Committee that the applicant volunteered the conditions himself on the subsequent application for a grant of a Premises Licence. The application was received by the Licensing Authority on 28th April 2016 and was granted on 15th June 2016.

Mr Burke, in presenting the case on behalf of the Licence Holder and in response to questions from Members, made the following points:

1. Moseley Wines had been previously owned by Ms Fatima, who is the aunt of the current Licence Holder.
2. The premises were taken over as empty, apart from the illicit products.
3. It was a genuine mistake on behalf of the Licence Holder, as he should have checked the validity of the products.
4. Ms Fatima had been the Licence Holder at the other premises, Woodbridge News, since 2011 and nothing illicit had been found in any previous police inspections.
5. The Licence Holder was unable to come to the meeting due to an injury to his foot.
6. The previous owner surrendered the licence and the premises had not been trading when they took it over. On taking it over, they found 3 boxes of wine at the premises which they threw in the bin and kept the other 2 boxes of alcohol products.
7. Members asked if a record of purchased goods was given to the Licence Holder when he took over the premises. It was stated Ms Fatima visits the cash and carry everyday as the premises are small and stock is unable to be stored in large amounts.
8. Members were concerned that the Licence Holder, who is also the DPS of the premises, does not put any importance on the conditions of the licence.
9. It was also noted that if stock is bought daily, why should there be illicit products still present at the premises 3 months later.
10. Members observed that if the shop is so small, one would expect products which are three months old to have been cleared.

In summing up, Mr Stott stated it should be disregarded as to how long the products have been at the premises or how they have been acquired. The clear fact is that the Licence Holder has engaged in illegal activity and has completely ignored the licensing objectives. Counterfeit alcohol is linked to organised crime and any action that supports organised crime cannot be tolerated. The Licence Holder was selling products that he did not know were safe to the public thus his licence should be revoked.

In summing up, Officer Wilding stated that nothing was heard to alter the view that the premises are undermining the licensing objectives and that the licence ought to be revoked.

In summing up, PC Rohomon stated that the old licence was surrendered in 2011. Meaning, the premises has been empty for over five years; this predates the dates on the illicit alcohol found (2014/2015). It was not a genuine mistake but a deliberate action by the Licence Holder to keep these items at the premises. The licence should be revoked.

In summing up, Officer Ellson the applicant for the review, stated the actions of the Licence Holder were clear, he intended to sell the products to the public and not pay duty on the items. Quoting Edmund Burke: 'Nobody made a greater mistake than he who did nothing because he could do only a little'. The Licence Holder did nothing to check the authenticity of the products he allegedly found. It is a privilege to sell alcohol and not a right. The products could have been injurious to the public; therefore the licence should be revoked, as the Licence Holder has failed to uphold the Licensing objectives.

Mr Burke, summing up on behalf of the Licence Holder, stated that he is only able to reiterate what he has been told by his client. The products were present when the Licence Holder acquired the premise and it was a genuine mistake that the products had not been disposed of.

At 1052 hours the Sub-Committee adjourned and the Chairman requested that all present, with the exception of the Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

Mr Kennedy informed Members that the Mr Burke, on behalf of the Licence Holder wished to clarify a point in regards to the time period the premises was open. All parties were recalled into the meeting at 1117 hours. Mr Kennedy stated that in regards to the evidence by PC Rohomon, there was no licence in place at the Premises in 2011. This was incorrect, as there was in fact a subsequent licence in place at the premises which was surrendered on 25th February 2015.

At 1118 hours the Sub-Committee adjourned and the Chairman requested that all present, with the exception of the Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

After an adjournment, all parties were recalled to the meeting at 1144 hours and the decision of the Sub-Committee was announced as follows:-

03/080217

RESOLVED:-

That, having reviewed the premises licence held under the Licensing Act 2003 by Mr Omer Zaman in respect of Moseley Wines, 44 St Marys Row, Birmingham, B13 8JG upon the application of the Chief Inspector of Weights & Measures, this Sub-Committee hereby determines:

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- that the Licence be revoked and Mr Omer Zaman be removed as Designated Premises Supervisor, in order to promote the prevention of crime and disorder and public safety objectives in the Act

The Sub-Committee's reasons for revoking the licence are due to concerns expressed by the officer representing the Chief Inspector of Weights and Measures, who told the Members of the Sub-Committee about the discovery of 23 bottles of illicit alcohol on the premises. The officer confirmed that due to the very small size of the premises, this was a considerable quantity. They had been kept either on display on the shop shelves, or in boxes underneath the counter, ready for sale to customers.

The sale of illicit alcohol was in direct contravention of the licensing objectives. To have had such a large quantity of illicit alcohol in a very small off-licence undermined the prevention of crime and disorder objective. The officer representing the Chief Inspector of Weights and Measures confirmed that the only possible supply route of such products involved the use of illegal methods.

In addition there were general safety concerns about the consumption of illicit products by consumers (although in this instance the bottles were tested and found to contain the genuine product). The safety element had been circumvented by the Premises Licence Holder evading UK duty, which meant the origin of the goods was untraceable. The lack of traceability of smuggled goods was an unacceptable risk to public safety.

No satisfactory receipts had been shown regarding the purchase of the illicit stock. The Premises Licence Holder's explanation, namely that he had 'found' them, did not withstand scrutiny given the small size of the premises and accordingly the stock rotation.

West Midlands Police observed that the Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003 includes the sale and storage of smuggled goods on the list of 'very serious offences', and accordingly, where the crime prevention objective is being undermined, it is expected that revocation should be seriously considered. West Midlands Police recommended revocation as the correct course, in view of the fact that the illicit alcohol was discovered to be on sale to the public, and there was no evidence to prove that the Premises Licence Holder had come by the illicit alcohol via any legitimate supply.

Birmingham City Council Licensing Enforcement representative addressed the Members of the Sub-Committee on the various breaches of conditions of the Premises Licence which had been discovered during the inspections. It was noted that these conditions had in fact been volunteered by the Premises Licence Holder himself when requesting the grant of the Licence less than a year previously, yet he was failing to observe them. In response to Member questions, those representing the Premises Licence Holder could offer no explanation for the breaches, and the Premises Licence Holder himself was not in attendance to address the Sub-Committee. It was therefore the recommendation of the Licensing Enforcement Officer that

revocation was the only proper course, given the undermining of both the prevention of crime and disorder and public safety objectives.

Regarding the public safety objective, the Sub-Committee then heard from a representative of Birmingham City Council Public Health, who explained that smuggled goods are often linked to organised crime, and have been known in some cases to involve huge risks to public safety - where illicit alcohol products have been injurious to public health, then found to be untraceable. Public Health recommended that taking such risks should not be tolerated by the Sub-Committee, on the grounds of public safety.

As stated above, the Premises Licence Holder did not attend the hearing - although he was represented at the hearing by a licensing agent and also a family member. When asking questions, Members of the Sub-Committee considered that the responses given by those attending to represent the Premises Licence Holder did not inspire any confidence whatsoever that the current management at the premises understood the importance of the Licensing Objectives. This therefore warranted both the revocation of the licence and the removal of the Designated Premises Supervisor.

After hearing all the evidence, Members of the Sub-Committee determined that the sale and storage of illicit alcohol was indeed so serious that it could not be tolerated. Members were also concerned that the lack of explanation from those representing the Premises Licence Holder demonstrated that the premises would not uphold the Licensing Objectives.

The Sub-Committee gave consideration as to whether it could modify the conditions of the licence, or suspend the licence for a specified period of not more than 3 months, but was not satisfied given the evidence submitted that the licensing objectives would be properly promoted following any such determination.

In view therefore of the undermining of the crime and disorder objective, and also the public safety objective, Members of the Sub-Committee felt that revocation and the removal of the Designated Premises Supervisor was the only appropriate course of action.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State, the application for review, the written representations received and the submissions made at the hearing by the Chief Inspector of Weights & Measures, West Midlands Police, Birmingham City Council Licensing Enforcement, Birmingham City Council Public Health, and the Premises Licence Holder's representatives.

All parties are reminded that under the provisions contained within Schedule 5 to the Licensing Act 2003, there is the right of appeal against the decision of the Licensing Authority to the Magistrates' Court, such an appeal to be made within twenty-one days of the date of notification of the decision.

The determination of the Sub-Committee does not have effect until the end of the twenty-one day period for appealing against the decision or, if the decision is appealed against, until the appeal is disposed of.

**LICENSING ACT 2003 PREMISES LICENCE – REVIEW WOODBRIDGE NEWS,
38 WOODBRIDGE ROAD, MOSELEY, BIRMINGHAM, B13 8EJ**

The following reports of the Director of Regulation and Enforcement were submitted:-

(See Document No. 2)

The following persons attended the meeting:

On behalf those making representations

Paul Ellson – Trading Standards Enforcement Officer (for and on behalf of Donna Bensley Chief Inspector of Weights and Measures)

PC Abdool Rohomon – West Midlands Police

Damien Baxter – West Midlands Police (Observing)

Teresa Wilding – Licensing Enforcement Officer

Kyle Stott – Public Health Officer

Nicole Pugh – Public Health (Observing)

On behalf of the Premises Licence Holder

Patrick Burke – Solicitor on behalf of Licence Holder

Akhtar Zaman – Father of Licence Holder

Following introductions by the Chairman, Mr Kennedy, Licensing Section, made introductory comments relating to the report.

Officer Ellson in presenting the case for Trading Standards and in response to questions from Members, made the following points:

1. After inspecting the premises, Moseley Wines, Trading Standards accompanied by the police and a Licensing Enforcement officer visited the premises Woodbridge News on 24th August 2016, which is also owned by Mr Zaman.

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2. The Licence Holder was not present, an employee, Ms Fatima was informed that an inspection was taking place.
3. During the inspection, 2 bottles of High Commissioner Whisky were found on the shelf behind the counter on display.
4. Underneath the kitchen sink a box of 12 Glen's Vodka was found. Clearly showing intention to hide the products.
5. In total 14 illicit bottles of alcohol had been found, in ratio to the size of the premises this can be viewed as a considerable amount.
6. The illicit bottles stored at the premises have a specific code, which can date back to when the alcohol was manufactured informing the consumer of the week and year it was manufactured.
7. A sample of the seized items was sent to Loch Lomond Group, it was confirmed that all the High Commissioner Whisky and the Glen's Vodka has counterfeit rear labels applied, and incorporated a fake UK duty stamp but there were genuine products inside.
8. As stated, the bottles can be traced to see when they were manufactured, however, 4 bottles were dated '261/12'. Meaning the bottles had been manufactured in 2012.
9. This is seen as a particular matter of concern as; the products are still at the premises in 2016. They lack the traceability element as product of that age could have been in and out of the country as well as could have been exposed to something.
10. The only way these types of products can enter the UK is by organised gangs.
11. It is important to mention that the code number was the same as the bottles found at Moseley Wines. Clearly showing, the same bottles came from the same source/box.
12. Mr Zaman's actions have clearly breached the Trade Marks Act 1994, the Consumer Protection from Unfair Trading Regulations as well as Food Safety Legislation
13. Mr Zaman has engaged in this activity just to avoid paying UK duty tax and to make a quick profit.

As officer Stott had to leave early, he asked to present his case and sum up before PC Rohomon. This was agreed by all parties and Mr Stott presented his case.

Officer Stott, in presenting the case for Public Health and in response to questions from Members, made the following points:

1. Regardless of how long the alcohol was on the shelf, the retailer has shown complete disregard to Public Health and the licensing objectives.
2. With reference to illicit alcohol, products like ethanol are used which can cause kidney and liver damage. It has the ability to potentially cause death.
3. Selling of counterfeit alcohol is seriously undermining the prevention of crime and disorder objective, there are broader issues linked to this act as proceeds from organised crime groups can find their way into other activities including child sexual exploitation and money laundering.
4. In regards to the protection of children from harm, this objective has specifically undermined as counterfeit alcohol is linked to organised crime groups. The proceeds of these groups can be linked to other illegal activities which include child sexual exploitation and human trafficking.
5. In Birmingham, circa 20,000 children are affected by parental alcohol problems.

In summing up, Officer Stott stated that the retailer has shown complete disregard for Public Health by putting items on sale for the general public which he did not know the provenance of and could have therefore have proven injurious to the general public. Any action that supports organised crime groups cannot be tolerated.

PC Rohomon in presenting the case for West Midlands Police and in response to questions from Members, made the following points:

1. It is accepted that the Licensing Act 2003 and Sub- Committee deals with each premises on its own merit.
2. However in this case there is a clear link between the two premises (Moseley Wines and Woodbridge News) owned by the same Licence Holder. The same incident occurred at the same time. The stock has been moved between both premises owned by Mr Zaman.
3. It is important to recognise that there is a clear family link, as the premises was first owned by the Licence Holder's aunty and then transferred to the Licence Holder. It is a clearly a family operating a business who are trading illicit alcohol at these premises.
4. The premises are slightly bigger than Moseley Wines.

5. Complete disregard shown to the licensing objectives,
6. The origin of the stock has not been declared as no invoices have been presented.
7. It is not the actions of an honest and genuine retailer to hide their stock under the kitchen sink.
8. West Midlands Police support Trading Standards and accept these are serious offences; the discovery of one illicit bottle of alcohol is more than enough to prove the Licence Holder has no regard for the licensing objectives.
9. West Midlands Police have previously received information and complaints in regards to concerns as to how the premises are run as the DPS is never present at the premises. There have also been allegations of illegal alcohol being sold at the premises.

Officer Wilding in presenting the case for Licensing Enforcement and in response to questions from Members, made the following points:

1. After carrying out an inspection on the 24th August 2016 at Moseley Wines, the Responsible Authorities were triggered to carry out an simultaneous inspection at Woodbridge News. Seen as both premises are owned by the same Licence Holder.
2. The guidance issued by the Licensing Authority is clear. Premises used for illegal activity should be dealt with strictly, and as a Licensing Authority we have a duty to promote the objectives.
3. The sale of illicit alcohol affects society as a whole and is not a victimless crime. Public safety is at risk as traders are not aware what they are selling and this can cause a huge loss to the UK revenue.
4. The Licensing Authority shouldn't be permitting anyone to trade illegally; the review application is fully supported by the Enforcement section. There is no hesitation in asking the Sub-Committee to revoke the licence.

Mr Burke, in presenting the case on behalf of the Licence Holder and in response to questions from Members, made the following points:

1. The stock found at Moseley Wines was not bought by the Licence Holder but was found.
2. Members were concerned in regards to the moving of the stock between the two premises, as the Licence Holder was not aware what was contained in the goods but was willing to move them to another outlet and put them on sale for members of the public to purchase.

3. The Licence Holders father could not provide any explanation as to why the products had been kept under the sink.
4. No accounts or evidence had been shown to illustrate where the goods were purchased from and when.
5. Mr Burke stated he is only able to tell the Committee what he has been told by his client.

In summing up, Officer Ellson reiterated that the avoidance of tax is a serious problem. The units were dispersed between two shops and it was a deliberate effort to move them to another premises. It is clear that the Licence Holder has breached the conditions of his licence. It is worrying to see products have been moved from premises and nobody knows where they have come from. The Licence Holder is not a fit and proper person to sell alcohol and the premises licence should be revoked.

Officer Stott further added that the only defence the Licence Holder has been able to come up with is the fact that he did not know where the products came from. From a Public Health perspective that is extremely concerning as he would not know what he was selling to the public.

In summing up, Mr Burke, reiterated that it was genuine mistake that the products had been kept at the premises after being found.

At 1222 hours the Sub-Committee adjourned and the Chairman requested that all present, with the exception of the Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

After an adjournment, all parties were recalled to the meeting at 1229 hours and the decision of the Sub-Committee was announced as follows:-

04/080217 **RESOLVED:-**

That, having reviewed the premises licence held under the Licensing Act 2003 by Mr Omer Zaman in respect of Woodbridge News, 38 Woodbridge Road, Moseley, Birmingham, B13 8EJ upon the application of the Chief Inspector of Weights & Measures, this Sub-Committee hereby determines:

- that the Licence be revoked and Mr Omer Zaman be removed as Designated Premises Supervisor, in order to promote the prevention of crime and disorder and public safety objectives in the Act

The Sub-Committee's reasons for revoking the licence are due to concerns expressed by the Chief Inspector of Weights and Measures, who told the Members of the Sub-Committee about the discovery of 14 bottles of illicit alcohol on the premises. The Chief Inspector of Weights and Measures confirmed that

due to the small size of the premises, this was a significant quantity. Two of the bottles were found on the shelves, on sale to customers. Following a thorough search, City Council officers then found a further 12 bottles hidden underneath the kitchen sink in the premises.

The sale of illicit alcohol was in direct contravention of the licensing objectives. To have had a significant quantity of illicit alcohol in a small off-licence undermined the prevention of crime and disorder objective. The Chief Inspector of Weights and Measures confirmed that the only possible supply route of such products involved the use of illegal methods. The year of manufacture of the products had been 2012 and 2014; the illicit stock was therefore 2 years old and 4 years old.

In addition there were general safety concerns about the consumption of illicit products by consumers (although in this instance the bottles were tested and found to contain the genuine product). The safety element had been circumvented by the Premises Licence Holder evading UK duty, which meant the origin of the goods was untraceable.

The lack of traceability of smuggled goods was an unacceptable risk to public safety. The Chief Inspector of Weights and Measures also observed that there was no way of knowing where some of the stock had been since 2012 – a significant period of time for a food/ drink product.

Members of the Sub-Committee were particularly perturbed to hear that two bottles of the illicit whisky had the same code numbers as illicit stock found in the Premises Licence Holder's other shop nearby. This confirmed that stock was being moved back and forth between the two premises.

No satisfactory receipts had been shown regarding the purchase of the illicit stock. The Premises Licence Holder's explanation, namely that he had 'found them in a box', did not withstand scrutiny given the small size of the premises and accordingly the stock rotation.

West Midlands Police observed that the Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003 includes the sale and storage of smuggled goods on the list of 'very serious offences', and accordingly, where the crime prevention objective is being undermined, it is expected that revocation should be seriously considered. The Premises Licence Holder's aunt had owned the premises since 2011; therefore it had been a family-run business for years, which was important in terms of the age of the products. West Midlands Police recommended revocation as the correct course, in view of the fact that the illicit alcohol was discovered to be on sale to the public, and there was no evidence to prove that the Premises Licence Holder had come by the illicit alcohol via any legitimate supply as there were no receipts.

Birmingham City Council Licensing Enforcement addressed the Members of the Sub-Committee and confirmed that the recommendation of Licensing Enforcement was that revocation was the only proper course, given the undermining of both the crime and disorder objective and the public safety objective, and that such a determination would follow the Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003. There were no compelling reasons to depart from the Guidance on this occasion.

Regarding the public safety objective, the Sub-Committee heard from Birmingham City Council Public Health, who explained that smuggled goods are often linked to organised crime, and have been known in some cases to involve significant risks to public safety - where illicit alcohol products have been injurious to public health, then found to be untraceable. It was an issue of particular concern that the Premises Licence Holder's explanation had been that he had 'found' the illicit stock, as this was confirmation that he had no idea from where it had come, or indeed if it was safe to consume. The Members of the Sub-Committee were told that large numbers of children in Birmingham are affected by parental alcohol problems, and the sale of cheap alcohol directly affected this. Public Health recommended that taking such risks should not be tolerated by the Sub-Committee, on the grounds of public safety.

The Premises Licence Holder did not attend the hearing - although he was represented at the hearing, and also sent a family member to represent him.

Officers confirmed that the Premises Licence Holder had not shown them any receipts to explain how he had acquired the stock of illicit alcohol. Equally, when questioned by Members of the Sub-Committee, the Premises Licence Holder's representative confirmed that the Premises Licence Holder had not provided him with any receipts either.

The Premises Licence Holder's representative stated that the explanation he had been instructed to put forward was that the Premises Licence Holder had found the illicit alcohol at his other off-licence premises in Moseley, and he had therefore not in fact bought it; he had then simply moved some of the bottles to his Woodbridge News premises. No explanation was forthcoming from the Premises Licence Holder's representative as to why such stock should then come to be found hidden under the kitchen sink.

Members of the Sub-Committee remarked that these types of irresponsible practices, by someone who held Premises Licences for two separate off-licence shops, and who had admitted moving stocks of illicit alcohol of untraceable origin between the two shop premises, caused them great concern. They also considered that the responses to questions, from those attending to represent the Premises Licence Holder, did not inspire any confidence whatsoever that the current management at the premises understood the licensing objectives. This warranted the removal of the Designated Premises Supervisor.

After hearing all the evidence, Members of the Sub-Committee determined that the sale and storage of illicit alcohol was indeed so serious that it could not be tolerated. They were also concerned that the lack of explanation from those representing the Premises Licence Holder demonstrated that the premises would not uphold the licensing objectives.

The Members of the Sub-Committee gave consideration as to whether they could modify the conditions of the licence, or suspend the licence for a specified period of not more than 3 months, but were not satisfied given the evidence submitted that the licensing objectives would be properly promoted following any such determination, for the reasons set out above.

In view therefore of the undermining of the crime and disorder objective, and also the public safety objective, Members of the Sub-Committee felt that revocation and the removal of the Designated Premises Supervisor was the only appropriate course of action.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State, the application for review, the written representations received and the submissions made at the hearing by the Chief Inspector of Weights & Measures, West Midlands Police, Birmingham City Council Licensing Enforcement, Birmingham City Council Public Health, and the Premises Licence Holder's representatives.

All parties are reminded that under the provisions contained within Schedule 5 to the Licensing Act 2003, there is the right of appeal against the decision of the Licensing Authority to the Magistrates' Court, such an appeal to be made within twenty-one days of the date of notification of the decision. The determination of the Sub-Committee does not have effect until the end of the twenty-one day period for appealing against the decision or, if the decision is appealed against, until the appeal is disposed of.

OTHER URGENT BUSINESS

The Chair was of the opinion that the following item be considered a matter of urgency in order to expedite consideration thereof and instruct officers to act if necessary.

05/080217

**SECOND CITY SUITE, 100 SHERLOCK STREET, BIRMINGHAM, B5 6LT –
LICENSING ACT 2003 AS AMENDED BY THE VIOLENT CRIME REDUCTION
ACT 2006 – APPLICATION FOR EXPEDITED REVIEW OF PREMISES
LICENCE: CONSIDERATION OF INTERIM STEPS**

The following documents of the Acting Director of Regulation and Enforcement were submitted:-

(See Document No. 3)

Following introductions from the Chairman, David Kennedy, Licensing Section, highlighted the information with regard to this expedited review, the interim steps that must be considered at the hearing are:

1. Modification of the conditions of the premises licence;
2. Exclusion of the sale of alcohol by retail from the scope of the licence;
3. Removal of the Designated Premises Supervisor from the licence;
4. Suspension of the licence

On behalf of the West Midlands Police:

PC Ben Reader – West Midlands Police
PC Abdool Rohomon – West Midlands Police

On behalf of the Licence Holder:

Andrew Potts – Solicitor
Harvinash Kumar Duggal - Director and DPS

PC Reader requested that in view of the fact that the events to be heard were part of a current ongoing police investigation that the meeting be conducted in private. This was accepted by Mr Potts on behalf of the respondent who accepted that this was a prima facie case of crime and disorder.

EXCLUSION OF THE PUBLIC

06/080217 **RESOLVED:-**

That in accordance with Regulation 14 of the Licensing Act 2003 (Hearing) Regulations 2005, the public be excluded from the hearing due to the sensitive nature of the evidence to be presented.

At this point the evidence for the meeting was heard in private.

The meeting resumed in public.

At 1352 hours the Chairman requested that all present, with the exception of Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

At 1409 hours, after an adjournment, all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

07/080217 **RESOLVED:-**

That having considered the application made and certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003 for an expedited review of the premises licence held by Dayfor Limited in respect of Second City Suite, 100 Sherlock Street, Birmingham, B5 6LT this Sub-Committee determines:

- that the licence be suspended
- AND

- that Mr Harivanish Kumar Duggal be removed as the Designated Premises Supervisor

pending a review of the licence, such a review to be held within 28 days of receiving the Chief Officer of Police's application.

The Sub-Committee's reasons for imposing these interim steps are due to concerns raised by West Midlands Police in relation to matters which came to light at the premises on 4th February 2017, as outlined in the Chief Officer of Police's certificate and application.

The Sub Committee determined that the causes of the serious crime and or serious disorder appeared to originate from

- patrons of the premises;
- wholly deficient security measures;
- inadequate internal management procedures at the premises

Members heard the submissions of West Midlands Police, and were concerned about the ongoing risk of crime and disorder given that the premises had failed to notify the Police of the event held on 4th February 2017. Such failure to notify was a specific breach of a Condition of the Licence.

There had been inadequate security arrangements at the premises on the night in question; indeed neither the Police nor the DPS were entirely certain what security personnel had in fact been on duty on the night.

Moreover the premises did not immediately contact the Police as soon as the serious disorder broke out, as required by a Condition on the Licence. Police were notified by numerous 999 telephone calls from other persons, and then a call from a staff member at the premises.

A further Condition of the Licence, namely to email a detailed report to Police within 12 hours of the incident, had also been breached. The brief details that had been given this morning (several days after the incident, and following some direct requests from Police) were entirely inadequate, in that they did not give an overview of what had happened, or explain what had happened in the aftermath.

The premises' legal representative confirmed that the door staff arrangements on the night had been 'lacking', and stated that it was expected that the premises would be engaging a security company in the near future. In addition, 'other candidates' were being considered to take over the role of DPS.

The Sub-Committee was also informed by the Premises Licence Holder's legal representative that a meeting had been held with Police, and suspension (as an interim step pending the full Review of the Licence) had been discussed. The premises had consented to the imposition of the interim step of suspension, were intending to take immediate steps to get all matters in order, and were expecting 'a severe financial loss' in terms of various forthcoming booked events which would not be able to go ahead.

Having heard the premises' account, the Sub-Committee determined that it was both necessary and reasonable to impose these steps to address the immediate problems with the premises, in particular the likelihood of serious crime and or serious disorder, and to promote the prevention of crime and disorder objective in the Act.

The Sub-Committee considered whether it could impose other interim steps, including modification of licence conditions, or exclusion of the sale of alcohol or other licensable activities. The Sub-Committee did not believe however that any of these would address the totality of issues brought to their attention by the police. The risks could only be addressed by the suspension of the Licence and removal of the DPS, pending the full Review hearing.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued by the Home

Office in relation to expedited and summary licence reviews, and the submissions made by the Police at the hearing.

All parties are advised that the premises licence holder may make representations against the interim steps taken by the Licensing Authority. On receipt of such representations, the Licensing Authority must hold a hearing within 48 hours.

All parties are advised that there is no right of appeal to a Magistrates' Court against the Licensing Authority's decision at this stage.

BIRMINGHAM CITY COUNCIL

**LICENSING
SUB-COMMITTEE C,
WEDNESDAY, 22
FEBRUARY 2017**

**MINUTES OF A MEETING OF THE LICENSING
SUB-COMMITTEE B, HELD ON WEDNESDAY, 22
FEBRUARY, 2017 AT 0930 HOURS, IN COMMITTEE
ROOM 1, COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Alex Buchannan in the Chair.

Councillors Barbara Dring and Neil Eustace

ALSO PRESENT

David Kennedy, Licensing Section
Joanne Swampillai, Committee Lawyer
Tayyibah Daud, Committee Manager

NOTICE OF RECORDING

01/220217 The Chairman advised the meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.

APOLOGIES

02/220217 Apologies were submitted on behalf of Councillor Leddy. It was noted that Councillor Dring was the nominated member.

MINUTES

03/220217 The public part of the Minutes of the meeting held on 25 January 2017 were noted.

LICENSING ACT 2003 PREMISES LICENCE – GRANT JAMAICA EXPAT ASSOCIATION CIC EVENT (5TH & 6TH AUGUST 2017) @ HANDSWORTH PARK, HOLLY ROAD, BIRMINGHAM, B20 2BY

The following persons attended the meeting:-

On behalf of the applicant

Clifton Cameron – Director of Jamaican Expat Association C.I.C.
Nysha Givans – Company Security
William Burne – Euro Guard Security
Maurice Whittingham – Euro Guard Security

On behalf of West Midlands Police

PC Abdool Rohomon
SGT Talib Hussain (Observing)

On behalf of Trading Standards

Donna Bensley - Chief Inspector of Weights & Measures

On behalf of West Midlands Fire Service

Mick Robinson

On behalf of Birmingham City Council Parks

Garry Peal – Events Manager
Paul Gallagher

The following report of the Acting Director of Regulation and Enforcement were submitted:-

(See Documents No. 1)

Following introductions by the Chairman, the main points of the report were outlined by David Kennedy, Licensing Section.

Mr Cameron, the applicant for the licence, made the following points in respect of his representation and in response to Members' questions:-

1. This application has been made with the intention of celebrating the 55th Independence Day of Jamaica and to showcase what Jamaican culture has achieved.
2. As a minority group, we would not want to think that we are being penalised for who we are.

3. In regards to the evidence submitted by the objectors to this application, there were clearly a few concerns raised which have now been dealt with.
4. It would be unfair for us to be penalised just because there were a few flaws with the last Independence Day event. There are always flaws with each event which can be tweaked and made better.
5. He had had a successful meeting with the Responsible Authorities; the only issue of concern was the venue which may need to be changed in the near future.
6. Mr Cameron stated he has clear concerns that if the licence was not granted it would have a negative impact on Birmingham City Council and how it deals with diversity.
7. The event involves many other communities, statistically last year at the event there were 60% Jamaican, 31% White and European and 9% Asian, illustrating the event had a good cultural mix.
8. This strengthens the motto of Jamaica expat of 'out of many one people'. Jamaica is the only multicultural country to embraces individuals of every culture.
9. In 2012 when Birmingham City Council wished to showcase Usain Bolt for his achievements, this was only done as the council received some benefit out of it.
10. The main issue last year was in regards to the security. The security company used was recommended by Birmingham City Council themselves. Showing, the organisers have always listened to what the council has recommended.
11. Mr Cameron stated that it was an individual who he was working with that sabotaged the event. For the actions of one vindictive person it would be unfair to penalise him.
12. Mr Cameron stated that he sent out all the documentation in regards to the stalls that would be present at the event to Trading Standards.
13. Security concerns should be raised by West Midlands Police and not Trading Standards.
14. The issue with lost children and security have been addressed in the event manual.
15. Mr Cameron stated he 'did hold up my hand' as he was the event's organiser last year and was sabotaged by another manager.
16. Mr Cameron stated that he has done numerous work for the community and views himself as a community man.

17. Birmingham Community Development Scheme is a major organisation works alongside the community. With the help of 270 volunteers, Mr Cameron states that he has saved the council a lot of money.
18. Any events that are organised by Mr Cameron are to address the needs the local area may have and most importantly are done for community engagement.
19. Mr Cameron stated he is not a trouble maker and likes to see people living together.
20. He has zero tolerance for violence at any of his events.
21. After the park was used for an Vaisakhi event, there were many holes in the grass. He has made a freedom of information request to the parks department to see if Birmingham City Council parks have asked for costs to repair the park.
22. When using a park for any event, Mr Cameron makes sure that the park is left in better condition than what it was before the event. As soon as the day is finished Mr Cameron leaves the community looking clean and pretty.
23. Mr Cameron stated that he has helped the community for 35 years. He has helped so many people find employment.
24. He had started his company from nothing and received no help from the council. Economically the events have proven to be very successful and generate profits of £450,000.
25. Mr Cameron stated that for him to put an event on to bring the community together, and then to be penalised, is disgraceful.
26. There will be 60 security guards present at the event this year.

The Chair advised that this Committee assesses each licence on its own merit. The licence is viewed from the history of the licence, especially in regards to what has previously occurred and what has been applied for. This has no influence with who is applying for the event but rather what they are applying for. The Chair appreciated Mr Cameron's community work and stated there was no issue in discussing what Mr Cameron had done for the community.

27. Members were concerned that conditions of the previous licence had not been adhered to. There was no mention in regards to how the four licensing objectives would be upheld.
28. Mr Cameron stated that the safety of children has been dealt within the event manual. The organisation understands what child protection and safe guarding are and have never had any problems with this issue previously.

29. Mr Cameron reiterated that the actions of one person sabotaged their event. Mr Cameron had always followed what has been suggested at SAG meetings
30. Issues have been addressed and now three gates will be put in place. Areas will be monitored and there will be a supervisor present in each section.
31. Mr Cameron stated he has not been difficult with the Responsible Authorities who are objecting and understands they are doing their job.
32. Ms Givans explained that she had a background in teaching and in dealing with Ofsted.
33. In regards to the email from the park service attached at appendix 4 of the report. Mr Cameron stated that at the time of the email he had paid approximately 2/3 of the payment. However, he stated that on 10th February he has cleared all the debt,
34. Mr Cameron stated that in his summary, he had evidence to clearly explain who was responsible for what.

Mr Kennedy stated that it was of concern that the applicant is holding back evidence that they are relying on in the summing up. Ms Givans stated that has done a written response to the bundle submitted by the Police. The Chair advised that all evidence has the need to be served on all parties before it can be disclosed in the meeting.

Mr Kennedy, stated that all parties confirmed they accepted and understood the procedural rules, one of which is that all supporting documents must be served 3 working days before the meeting.

35. Mr Burne stated Euro guard have provided security for large events, and also street marshals and wardens. They have a lot of knowledge of event security. Every security guard will be SIA registered and always have their badges on display.
36. In regards to the security procedures proposed on 5th and 6th August 2017, Euro guard have stated they plan to have 2 event co-ordinators at the event during the whole day. There will be 120 staff on sight and each staff member is SIA registered and will have the appropriate badge on display.
37. Mr Cameron stated that the event manual is still a working document. (See Documents No.2)
38. Members were concerned that there were petrol generators on the premises when there shouldn't have been. Mr Cameron stated that he did not know that there were going to be petrol generators and this was the decision of the other event manager at the time.

39. Mr Cameron stated once he found out the generator was at the premises, he made sure it was not used but was not removed from the premises.
40. Mr Cameron stated the staff he was liaising with for the running of the event, sabotaged the operations and did not wish for the event to be successful.
41. In regards to the police not being able to contact an event co-ordinator on the days of the event, Mr Cameron stated as opposed to the other event organiser who was not approachable. He stated he was approachable and contactable by mobile and radio.
42. Mr Cameron stated he spoke to a Police Sgt on duty that day and had a discussion. He stated he was actively present at the event as he was apologising to crowds of people that the headline music artist would not in fact be performing at the event.
43. Mr Cameron further stated that he had a paid for a security service but was let down.

PC Rohomon in presenting the case for West Midlands Police and in response to questions from Members, made the following points:

1. There are genuine concerns from West Midlands Police that the four licensing objectives are at risk of being undermined.
2. Mr Cameron was the event manager last year, policies and procedures should have been followed.
3. It is important to note that the police can only go by what is promised by the applicant. If the event manager has stated that there will be two marquees that is what is expected to be at the event.
4. At the SAG process, it was stated that alcohol would not be served in glasses/glass bottles and that everyone entering the event would be clicked in. However none of this was observed.
5. There was no accurate figure as to how many people were actually present at the event. At one point, the officers who were present at the event estimated that there were 10,000 people present at the event.
6. This was double the amount of people expected. The SAG had been told to expect up to 4,999.
7. People were clearly seen bringing alcohol in and out of the event unchallenged by security.
8. It has been stated by Mr Cameron that the security company let down the event. However, it is important to note that the security company was

employed by the Premises Licence Holder or in this case the event organiser.

9. The Police were not able to take any action or imply extra safety measures as they did not have any event control.
10. Referring to the bundle (See Documents No.3) key parts of the event log were highlighted. The logs clearly illustrated issues at the event.
11. It was stated that the licence had agreed to have two tents which would sell alcohol; however, there was just a single marquee with two tables selling alcohol with no security.
12. The event log also stated that the officer on duty had tried to contact the manager, Sted Wallen and event organiser, Mr Cameron on numerous occasions and was unable to contact either.
13. PC Rohomon stressed that the time should be noted of this log, which was at 16:40 hours. If it was 09:00 hours you would expect senior staff members to be unavailable due to organising the event.
14. The event log also made it clear that there was no definite number of how many people were present due to the clickers being at maximum.
15. The event was described as a community event however, it became apparent that it met the criteria of a gig/concert as was a very large scale event serving and selling alcohol to customers.
16. The larger the event the more control measures are needed.
17. There was clear car park issues, several vehicles were travelling on the park walkways obstructing pedestrians.
18. Last year West Midlands Police were informed there would be 41 security staff at the event. It was stated by Mr Cameron there would be 60 staff however, the event manual states there will be 52 members of security.
19. It is not the police's responsibility to take control over the event and assist security as it is not an event which has been run by the police. It is the responsibility of the Licence Holder and in this case the event organiser to make sure there are adequate security measures.
20. Referring to PC Gibbs statement, it was clear that the people attending the event did not wear wristbands and were walking out the premises with alcohol in their hands.
21. PC Rohomon stressed that what was promised at SAG meetings had not been adhered to. There is little confidence that the premises will adhere to the proposed conditions and procedures that have been set out in the event manual.

22. As the grant of this premises licence is only for two days, action cannot be taken after the event in the form of an expedited review.
23. It is evident that a lot of families attended the event, meaning that small children were exposed to alcohol and cannabis.
24. There was cannabis present at the premises, as supported by the statements however, it was impossible to pinpoint any particular individuals due to the number of people attending.
25. PC Rohomon stressed that if conditions were imposed, like the outcome of the SAG meetings held last year. There is no confidence the event organiser will comply with them resulting in the Responsible Authorities being in the same situation as last year.
26. Security cannot solely be blamed as there was clearly no chain of command present. As an event organiser there would be someone below as a manager then the security. There should have been clear briefing from the organiser and manager.
27. As stated previously, it is important to note that officers numerous tried contacting the senior organisers, it would be expected for organisers to be present at the event and be proactive however they were unreachable.
28. Buckets of alcohol were being sold at stalls and stall owners were not aware that they were not able to sell alcohol to members of public.

Chief Inspector of Weights & Measures in presenting the case for Trading Standards and in response to questions from Members, made the following points:

1. In regards to the protection of children from harm objective, it does not mean finding lost children but it is focused around alcohol being accessible to children.
2. Concerns were initially raised in August 2016 were the sale of wrist bands was not adhered to and the overall running of the event.
3. Upon attendance of the SAG debrief and reading the police bundle encouraged Trading Standards to object.
4. When a person attending the event last year wished to complain, they were abused by a member of security. This was handled in a bad manner and had the potential to escalate to violence.
5. There is still no complaints procedure outlined in the event manual for this year's proposed event.

6. There was no control over the vendors who were arriving at the premises.
7. No list of the stall holders attending the event was provided to Trading Standards last year.
8. In regards to public safety it is quite evident that last year this was not upheld as there was no control over the event, there was a clear lack of supervision and leadership.
9. The primary concern for Trading Standards is in regards to the protection of children from harm. Certain measures such as age restricted tobacco and alcohol will not be sold to people under 18, persons engaged in sale of alcohol shall be trained. A refusals log and a challenge 25 policy will be adhered too. These are standard conditions which are expected of any premises licence and event.
10. No assurance has been given that the above measures would be put into place. There are clear concerns with adults passing children alcohol to consume illustrating there is no control in place from children assessing alcohol.

Mr Robinson in presenting the case for West Midlands Fire Service and in response to questions from Members, made the following points:

1. In regards to last year's event, all the SAG meetings were attended by Mr Robinson on behalf of West Midlands Fire Service.
2. At the meetings, a lot of reassurances were given to the procedures and policies that would be in place at the event.
3. On the day of the event the Mr Robinson accompanied by a member of staff from the parks service attended the event for a routine safety inspection.
4. Upon arriving at around at 0930 hours the gates had been opened and traders were setting up where they wanted. This differed from the routine that was stated at the SAG meetings that each vehicle attending would be searched by security and made sure they been booked in advance.
5. The event organiser and event manager were not present at the premises.
6. In regards to fencing, the fire service had advised that three gates would be needed. When they arrived only two gates had been put up. They further requested another gate.
7. They were assured by the staff members at the event this would be sorted out, however it was not.
8. Any petrol generators and alcohol would be stopped at the gate, however at the event both alcohol and petrol generators were present.

9. From the start of the event there was no control as to how many people were entering the event; there were over 300 stall holders plus the staff they brought alongside them.
10. It is not known what the stall holders brought into the event as they were not checked.
11. There was no briefing done by the event organiser or manager and security was not aware of what was going on.
12. The police control log estimated around 10,000 people being present at the event. This was double what had been stated at SAG meetings.
13. All assessments were done on what was stated by the event organiser and manager, especially in regards to the people attending. The fire service agreed and confirmed that the safety measures and gates would have been suitable for up to 4999 people; however as the number of people attending doubled, this threw everything 'out the window'.
14. Public safety has clearly been undermined, if what was promised in the SAG meetings been adhered to then it would have been an ideal event.
15. As a Responsible Authority the fire service has tried to help the event to run successfully before SAG meetings, after SAG meetings, at the event and even after the event to make sure that everything can be done to ensure the successful running of the event.
16. However, what is promised at the SAG meetings differs from the measures in place on the day of the event.

Mr Peal in presenting the case for Birmingham City Council Parks and in response to questions from Members, made the following points

1. Mr Peal stated that he has a wealth of experience in running events including: Eid Mela, Vaisakhi, Chinese New Year and St Patricks Day.
2. Mr Peal stated that he is a member of the SAG team and this year has refused the booking on the recommendations of SAG members as there has been clear non-compliance with the conditions of the licence and the SAG process.
3. The park should be returned in the state it was given, this is part of the booking condition.
4. At the time the application was made, there was an outstanding discrepancy which has now been paid.
5. There are conditions laid out in the parks procedure, these were not adhered to.

6. The parks management have to bear in mind that the park is in a high residential area meaning there are not vast parking opportunities. When any event is permitted through Licencing then road management and traffic management need to be considered to prevent an issued especially grid lock.
7. If these procedures are not in place, this becomes an issue of public nuisance.
8. Applications are not turned down lightly by the parks service but there is a procedure that needs to be followed. The past experiences of the event alongside other planned events are looked as a whole to make sure the park is not over used.
9. The park and residents are keen to maintain their quality of life.
10. The noise at any event will have to be controlled.
11. Traffic management is controlled by the event organiser.

In summing up, Mr Peal stated that he has worked closely with the Jamaican community over the years and organised various events. There has been no mention from the Jamaican Government or Jamaican High Commission to support this event.

In summing up Mr Robinson stated that the fire service worked hard with the premises to ensure last year's event was successful, however they were let down. The fire service have no confidence that the measures which have been proposed for this year's event, will be followed.

In summing up, the Chief Inspector of Weights and Measures stated that Trading Standards are not convinced that there is sufficient controls in place to deal with complaints that may arise that could lead to potential crime and disorder. There is no control in place to prevent alcohol being purchased by children.

In summing up, PC Rohomon stated that it was the first time that four members of a SAG group have felt so strong that the licencing objectives will not be met, that they have objected to an application. The police can only go by what they are told and have to trust that what is promised will be adhered to. It is not justifiable to blame other individuals, when ultimately it is the responsibility of the event organiser to have the reasonable procedures in place.

None of the fundamental issues that occurred at last year's event can be rectified or addressed as they were not reported anywhere. PC Rohomon stressed that the licence should not be granted as it is a time limited event, on the day of the event if the conditions are not followed the police will not be able to do anything.

This is due to resources issues as well the police not having the authority to close the event, as it is not their event. PC Rohomon stated nothing has been heard to alter the view that, the police have no confidence that the event organiser will comply with the conditions of their licence.

In summing up Mr Cameron stated that he can get a letter from the Jamaican high Commission to support his application. Mr Cameron stated that mistakes had been made at last year's event. However, this year he will make sure that everything will be adhered to and that he will be doing everything that should have been done last year. For the proposed event this year, Mr Cameron has employed a new co-coordinator who is a member of the Jamaican Commission. Mr Cameron stated that he does not counteract with what the police have stated and works regularly with the police and understands the concerns they may have. Mr Cameron stated he wished for the Committee to grant him the licence, to allow him the opportunity to prove he is able to run the event.

Mr Kennedy stated that two Temporary Event Notices were applied for by Mr Terrence Wallen.

Ms Givans stated the following: last year the Temporary Event Notice applications were made by somebody else; she herself had been present at last year's event and had been equipped with a radio.

Regarding the issue vehicles being driven through the park, she stated that this had not happened and in any event no cars could have come through in view of the numbers of people in the park. However, regardless of that, the issue had been discussed with their security team. Regarding the vendors, written terms and conditions had been drafted in readiness for this year's event.

At 1122 hours the Chairman requested that all present, with the exception of Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

At 1207 hours, after an adjournment, all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

04/220217 **RESOLVED:-**

That the application by Jamaica Expat Association CIC, for a premises licence in respect of premises Jamaica Expat Association CIC Event (5th & 6th August 2017) at Handsworth Park, Holly Road, Birmingham, B20 2BY:

BE REFUSED

In reaching this decision, the Sub-Committee was mindful of the promotion of all four of the Licensing Objectives in the Act, namely the prevention of crime and

disorder, public safety, the prevention of public nuisance, and the protection of children from harm.

The Sub-Committee's reasons for refusing this application for a premises licence are due to concerns by West Midlands Police, Trading Standards, the Fire Service, and also other persons (namely the Parks Department of the City Council) regarding the impact of the proposed operation, in the light of what had been observed at the event when it was held last year.

West Midlands Police urged the Sub-Committee to take account of the detailed Police Log of what had happened at the last event, in terms of inadequate management arrangements, and the fact that the event had required considerable Police involvement in order that control of the event could be appropriately managed in terms of public safety. The Sub-Committee found that the Police Log showed clearly that the level of Police involvement had been substantial, and went far beyond what they would have expected for a properly managed event.

West Midlands Police confirmed that the Security arrangements had been wholly inadequate. Whilst it was impossible to ascertain the actual number of people who had attended (as the 'clicker' arrangements, for counting the numbers of people entering, were not followed by the Security staff) it had been agreed by all the Responsible Authorities that the numbers attending had been far in excess of what had been expected. There was a clear risk of crime and disorder, and risk to public safety, when numbers had been exceeded to such a degree, at an event where Police had had to intervene in the running of the Security arrangements.

Trading Standards raised concerns regarding the protection of children from harm. The previous event had been unsatisfactorily managed and there had been significant risks relating to age-related products (such as children having access to alcohol), inadequate control of vendors at the site, and so on. In particular there had been a concern at the previous event that the unacceptable way in which complaints had been dealt with could itself have been a risk to public safety.

The Fire Service recommended that the application be refused on the grounds of the risks to public safety. After hearing about the requirements regarding fencing and gates for large-scale events attracting such large numbers of people, the Sub-Committee accepted that there was a potential for risks to public safety, and were not convinced that the organiser had taken sufficient steps to deal with the Fire Service's concerns, or to follow their advice, to ensure public safety.

The Parks Department of the City Council confirmed that they had declined permission for the use of the Park based on what had happened last year and the fact that the event had not been properly managed by the organisers.

The Sub Committee carefully considered the operating schedule put forward by the applicant and the likely impact of the application but were not persuaded that that the proposed operation was suitable. The Sub-Committee gave consideration to whether any measures could be taken to ensure that the four licensing objectives were adequately promoted and that therefore the licence be granted; however Members considered that neither modifying conditions of the licence,

refusing the proposed Designated Premises Supervisor nor excluding any of the licensable activities from the scope of the licence would mitigate the concerns raised by those making representations.

The Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State, the information contained in the application, the written representations received and the submissions made at the hearing by the applicant, their Security company, and by those making representations - namely West Midlands Police, Trading Standards, the Fire Service and the Parks Department.

All parties are reminded that under the provisions contained within Schedule 5 to the Licensing Act 2003, there is the right of appeal against the decision of the Licensing Authority to the Magistrates' Court, such an appeal to be made within twenty-one days of the date of notification of the decision.

Report to:	Licensing Sub Committee C
Report of:	Acting Director of Regulation & Enforcement
Date of Meeting:	Wednesday 22nd March 2017
Subject:	Licensing Act 2003 Temporary Event Notice
Premises:	Tower Ballroom, 101 Reservoir Road, Edgbaston, Birmingham, B16 9EE
Ward affected:	Ladywood
Contact Officer:	David Kennedy, Principal Licensing Officer 0121 303 9896 licensing@birmingham.gov.uk

1. Purpose of report:
To consider the objection to the Temporary Event Notice (TEN), which seeks to permit the sale of alcohol (for consumption on the premises only), the provision of regulated entertainment and the provision of late night refreshment on Saturday 25 th March 2017 to operate from 6:00pm to 12:00am.

2. Recommendation:
To consider the objection notice made by Environmental Health.

3. Brief Summary of Report:
A Temporary Event Notice was received on 8 th March 2017 in respect of the Tower Ballroom, 101 Reservoir Road, Edgbaston, Birmingham, B16 9EE.
An objection notice has been received from Environmental Health.

4. Compliance Issues:
When carrying out its licensing functions, a licensing authority must have regard to the Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003.
4.1 Consistency with relevant Council Policies, Plans or Strategies:
The report complies with the City Council's Statement of Licensing Policy and the Council's Corporate Plan to improve the standard of all licensed persons, premises and vehicles in the City.

<p>5. Relevant background/chronology of key events:</p> <p>Miss Vicky Sherwin submitted on 8th March 2017 a Temporary Event Notice in respect of the Tower Ballroom, 101 Reservoir Road, Edgbaston, Birmingham, B16 9EE.</p> <p>The Temporary Event Notice is attached, see Appendix 1.</p> <p>An objection notice has been received from Environmental Health, see Appendix 2.</p> <p>The current premises licence is attached at Appendix 3.</p> <p>Site location plans are attached, see Appendix 4.</p> <p>Under the licensing system of TENs, no actual permission is required to carry out a licensable activity on a temporary basis. An applicant must merely give notice of his intentions to operate a licensable activity to the licensing authority.</p> <p>However, the police or local authority exercising environmental health functions may intervene to prevent such an event taking place or agree a modification of the proposed arrangements, and their intervention may in some cases result in the licensing authority imposing conditions on a TEN.</p> <p>Where a TEN is submitted, the licensing authority must consider the objection(s) at a hearing before a counter notice, or a notice including a statement of conditions can be issued.</p> <p>When giving a TEN, consideration should be given to the following four licensing objectives:</p> <ol style="list-style-type: none"> 1. The prevention of crime and disorder 2. public safety 3. The prevention of public nuisance; and 4. The protection of children from harm <p>If the TEN is in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TEN if it considers that this is appropriate for the promotion of the licensing objectives.</p>
<p>6. List of background documents:</p> <p>Temporary Event Notice, attached at Appendix 1.</p> <p>Objection Notice from Environmental Health, attached at Appendix 2.</p> <p>Premises Licence, attached at Appendix 3.</p> <p>Site location plans, Appendix 4.</p>
<p>7. Options available</p> <p>Allow the proposed temporary licensable activities as stated in the TEN</p> <p>Impose conditions on a TEN to promote the licensing objectives</p> <p>Refuse the proposed temporary licensable activities as stated in the TEN</p>



Birmingham City Council, Licensing Section, P.O. Box 17013, Birmingham. B6 9ES

Temporary Event Notice

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. Your name			
Title	VICKY SHERWIN		
Surname	VICKY		
Forenames	SHERWIN		
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)			
Title	N/A		
Surname	N/A		
Forenames	N/A		
3. Your date of birth		Day	Month
4. Your place of birth			
5. National Insurance Number			
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)			
Post town		Postcode	
7. Other contact details			
Telephone numbers			
Daytime			
Evening (optional)			
Mobile (optional)			
Fax number (optional)			
E-Mail address (if available)			
8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)			
THE TOWER BALUWORM			
RESERVOIR RD			
BHAM B16 9DS			
Post town		Postcode	
9. Alternative contact details (if applicable)			
Telephone numbers:			
Daytime			
Evening (optional)			

Scanned by CamScanner

Mobile (optional)	N/A
Fax number (optional)	N/A
E-Mail address (if available)	N/A

Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references) (Please read note 2)

THE TOWER BARROOM
RESERVOIR RD
BHAM B16 9DS

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.

Premises licence number 3043/5

Club premises certificate number N/A

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)

USING THE PREMISES

Please describe the nature of the premises below. (Please read note 4)

BANQUETING & DANCE ROOM

Please describe the nature of the event below. (Please read note 5)

BOXING / MMA SHOW, & TITAI-KICK
BOXING,

Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)

The sale by retail of alcohol



The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club



The provision of regulated entertainment



The provision of late night refreshment



Are you giving a late temporary event notice? (Please read note 7)



Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)

TEN TO BE ON, <u>25TH MARCH 2017</u>		
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)		
From 6:00 Pm — 12:00 Am		
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)		
450		
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 11)	On the premises only	<input checked="" type="checkbox"/>
	Off the premises only	<input type="checkbox"/>
	Both	<input type="checkbox"/>

Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment. (please read note 12) From 6:00 Pm — 12:00 Am DJ / BACKGROUND MUSIC

3. Personal licence holders (Please read note 13)	
Do you currently hold a valid personal licence? (Please tick)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.	
Issuing licensing authority	B'HAM CITY COUNCIL
Licence number	3683/1
Date of issue	
Date of expiry	15/5/2017
Any further relevant details	

4. Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year	1	
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.	1	
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Section 10 (Part 1) (Section 10)	
I have: (Please tick the appropriate boxes)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input type="checkbox"/>
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	<input type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Made or enclosed payment of the fee for the application	<input checked="" type="checkbox"/>
Signed the declaration in Section 9 below	<input checked="" type="checkbox"/>

17. Condition (Please read note 17)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

18. Declaration (Please read note 18)	
The information contained in this form is correct to the best of my knowledge and belief. I understand that it is an offence: (i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine not exceeding level 5 on the standard scale; and (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.	
Signature	
Date	6/3/17
Name of Person signing	Vicky SHERWIN

For completion by the licensing authority

19. Acknowledgement (Please read note 19)	
I acknowledge receipt of this temporary event notice.	
Signature	On behalf of the licensing authority
Date	08/03/17
Name of Officer signing	PARMINDER DHILLON

NOTES

General

In these notes, a person who gives a temporary event notice is called a "premises user".

The police and local authority exercising environmental health functions may intervene on the grounds of any of the four licensing objectives (the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm) to prevent the occurrence of an event at which permitted temporary activities are to take place or to agree a modification of the arrangements for such an event. However, the licensing authority will intervene of its own volition in the cases described below.

First, it will issue a counter notice if there is an objection to a late temporary event notice (see note 7 below).

Secondly, it may issue a notice in relation to its decision to impose conditions on a temporary event notice (see note 2 below).

Thirdly, it will issue a counter notice if the first, second, third and fifth of the limits set out below would be exceeded. If any of the limits below are breached or if a counter notice has been issued, any licensable activities taking place would be unauthorised and the premises user would be liable to prosecution. The limitations apply to:

- the number of times a person may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people);
- the number of times a person may give a late temporary event notice (10 times per

Appendix 2

From: Paul R. Samms
Sent: 13 March 2017 15:31
To: Licensing
Cc:
Subject: FW: Temporary Event Notice for the Tower Ballroom, 25th March & 01st April 2017
Attachments:

Afternoon,

As representative of Environmental Health, I hereby object to the above TENS submitted for events at The Tower Ballroom, Reservoir Rd, Birmingham, B16 9EE on grounds of likely public nuisance.

Regards,

Paul Samms
Environmental Protection Officer

Environmental Protection Unit
Environmental Health
Manor House
40 Moat Lane
Digbeth
Birmingham
B5 5BD

Environmental Health, Regulation & Enforcement, Birmingham City Council, PO BOX 15908, Birmingham, B2 2UD

Website: <http://www.birmingham.gov.uk/eh>
Facebook: <http://www.facebook.com/ehbham>
Twitter: <http://www.twitter.com/ehbham>
Flickr: <http://www.flickr.com/photos/envhbham>

"Locally accountable and responsive fair regulation for all - achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors"

BIRMINGHAM CITY COUNCIL

LICENSING ACT 2003

PREMISES LICENCE

Premises Licence Number:

3043 / 6

Part 1 - Premises details:

Postal address of premises, or if none, ordnance survey map reference or description

Tower Ballroom
101 Reservoir Road
Edgbaston

Post town:

Birmingham

Post Code:

B16 9EE

Telephone Number:

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

B	Films
C	Indoor sporting events
D	Boxing or wrestling entertainment
E	Live music
F	Recorded music
G	Performances of dance
H	Anything of similar description to that falling within (live music), (recorded music) or (performances of dance)
M3	Sale of alcohol by retail (both on & off the premises)

The times the licence authorises the carrying out of licensable activities

Monday - Sunday 10:00 - 22:15 B , C , D , E , F , G , H & M3

The opening hours of the premises

Monday - Sunday 10:00 - 22:45

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

On and Off Supplies

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Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Mr Peter Singh Sangha	
Post town:	Post Code:
Telephone Number:	
Email	

Registered number of holder for example company number or charity number (where applicable)
--

Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol Sital Lally	
Post town:	Post Code:
Telephone Number:	

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol	
Licence Number	Issuing Authority

Dated 01/11/2016

David Kennedy
Principal Licensing Officer
For Director of Regulation and Enforcement

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Annex 1 – Mandatory Conditions

No supply of alcohol may be made under the premises licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises— (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to— (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or (ii) drink as much alcohol as possible (whether within a time limit or otherwise); (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective; (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective; (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either— (a) a holographic mark, or (b) an ultraviolet feature.

The responsible person must ensure that— (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures— (i) beer or cider: ½ pint; (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and (iii) still wine in a glass: 125 ml; (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."

(1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price. (2) In this condition:— (a) "permitted price" is the price found by applying the formula $P = D + (D \times V)$, where— (i) P is the permitted price, (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol; (b) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979; (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence— (i) the holder of the premises licence, (ii) the designated premises supervisor (if any) in respect of such a licence, or (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence; (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994. (3) Where

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the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny. (4) Where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendation made: (a) By the British Board of Film Classification (BBFC), where the film has been classified by that Board, or (b) By the Licensing Authority where no classification certificate has been granted by the BBFC, or, where the licensing authority has notified the licence holder that section 20(3)(b) (s74(3)(b) for clubs) of the Licensing Act 2003 applies to the film.

Each individual assigned to carrying out a security activity must be licensed by the Security Industry Agency.

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Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

Doorstaff profiles to be kept on the premises; to include photo I.D. (other than their SIA badge), and a utility bill which must not be dated later than 6 months previous. Such profiles to be available for inspection by the Police or local authority any time and kept in a secure location. If any door supervisors leave the premises, the profile to be retained on the premises for at least 3 months, following their departure.

All staff will be trained in relation to their responsibilities and liabilities under the Licensing Act 2003 before being authorised to serve alcohol. Records of training will be kept on the premises and made available for inspection by any of the relevant authorities upon reasonable request.

The provisions of regulated entertainment shall take place indoors only.

No adult entertainment, services, or activities permitted on the premises.

2b) Conditions consistent with, and to promote the prevention of crime and disorder

CCTV will be provided and maintained to the reasonable requirements of West Midlands Police, images will be kept for a minimum of 30 days and produced to the statutory authorities upon reasonable demand.

Door staff will be employed at the premises as necessary to the reasonable requirements of West Midlands Police.

If the premises use a new promoter for an event, which is not part of the standard operating procedure/standard core business, then a separate risk assessment will be completed and forwarded to Steelhouse Lane Licensing Department (or any other officer or police station as may be advised to the premises licence holder or designated premises supervisor in writing) at least 28 days prior to the event taking place or any other period that may be agreed.

The premises licence holder or designated premises supervisor will supply a risk assessment for all events that are held at the premises, which are not part of the standard operation procedure/standard core business, giving 28 days notice (or any other period that may be agreed) to Steelhouse Lane Licensing Department (or any other officer or police station as may be advised to the premises licence holder or designated premises supervisor in writing)

The premises must operate an incident book and record all incidents that occur inside and immediately outside the premises. The Incident book to be made available for inspection by any of the relevant authorities upon reasonable request.

All events that are not part of the standard operating procedure/standard core business will be notified in writing to Steelhouse Lane Licensing Department (or any other officer or police station as may be advised to the premises licence holder or designated premises supervisor in writing) giving 28 days notice or any other period that may be agreed.

The premises will implement and put in to practice a drugs policy and a lost/found policy for the venue as approved by West Midlands Police.

2c) Conditions consistent with, and to promote, public safety

The Licence Holder shall comply with Building Regulations and reasonable recommendations of the Fire Safety Officer.

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2d) Conditions consistent with, and to promote the prevention of public nuisance

The licence holder shall ensure there is adequate supervision maintained of persons leaving the premises. Notices will be placed at each exit and at the exit of the car park asking patrons to leave quietly and considerately towards neighbouring residents.

2e) Conditions consistent with, and to promote the protection of children from harm

No enforceable conditions identified from operating schedule.

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Annex 3 – Conditions attached after hearing by licensing authority

3a) General committee conditions

Licensing Sub Committee B resolved on 16th February 2016 to revoke the premises licence however on appeal to Birmingham Magistrates Court District Judge Robinson resolved to re-instate the Premises Licence subject to modification of hours during which licensable activities can take place, modification of the opening hours of the premises and imposition of additional conditions as detailed under the relevant objective below.

Modification of hours for the provision of all licensable activities & opening hours:

All licensable activities are to cease at 10.15pm daily.

The premises is to be closed and cleared of customers by no later than 10.45pm daily to allow for the dispersal of customers into the surrounding area.

The provision of licensable activities are therefore restricted to taking place between:

10:00am - 22:15 hours Monday to Sunday

The premises can only be open to the public between:

10:00am - 22:45 hours Monday to Sunday

3b) Committee conditions to promote the prevention of crime and disorder

N/A

3c) Committee conditions to promote public safety

N/A

3d) Committee conditions to promote the prevention of public nuisance

Doors and windows:

The Licence holder must ensure that all windows and doors are kept closed during the provision of regulated entertainment save for access or egress.

Traffic Management Plan -

The Licence holder must design, implement and enforce an effective traffic management policy for all events held at Tower Ballroom to include as a minimum the following:

a.

A formal written risk assessment for each event.

b.

A written traffic management plan for each event.

c.

Upon the Chair of any Residents Association or Committee representing a number of residents living within the zone marked in red on the attached map writing to the Premises Licence Holder to notify the Premises Licence Holder of the existence of such an Association or Committee, the Premises Licence Holder is to consult with that body within 28 days of first notification of the outcome of the appeal and at least every 3 months thereafter. The Premises Licence Holder must provide all such bodies with a list of events booked at

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the time of each quarterly consultation to include the start and finish times for the event.

d.

A written record of any complaints received about traffic management or parking problems and any remedial action taken.

e.

Copies of all documents relating to the traffic management policy to be kept and made available for inspection at the premises by any Responsible Authority.

Terminal Hour / Closure Time / Dispersal Policy:

The licensable activities are to cease at 10.15pm.

The Licence holder must design, implement and enforce an effective dispersal policy in respect of any event where a licensable activity continues after 9.30pm to include requirements that:

a. Door supervisors must remain on duty for 15 minutes after the closure time to aid the dispersal of customers from the immediate vicinity of the premises.

b. Any traffic management personnel must remain on duty for 30 minutes after the closure time of the premises to aid the dispersal of customers from the surrounding area.

The premises is to be closed and cleared of customers by no later than 10.45pm to allow for the dispersal of customers into the surrounding area.

3e) Committee conditions to promote the protection of children from harm

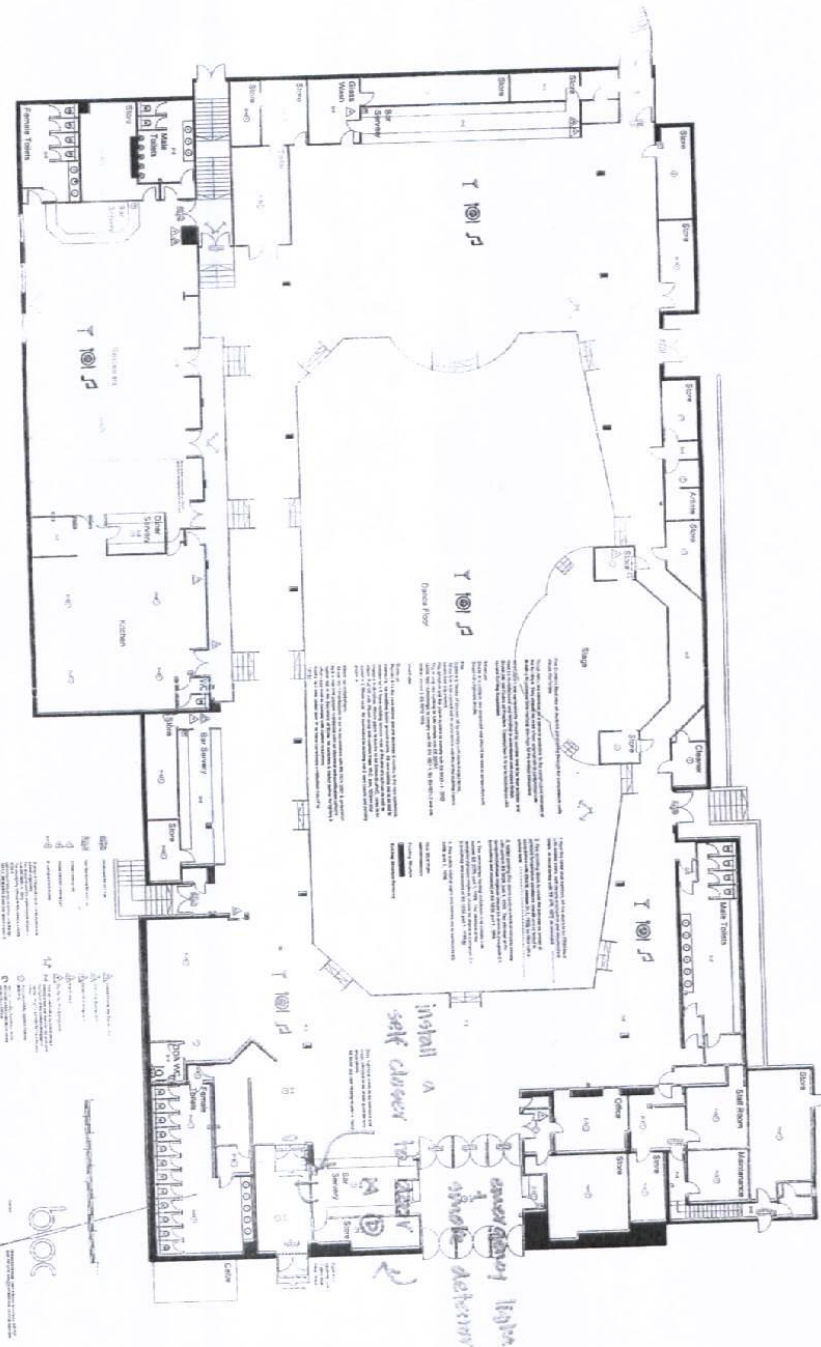
N/A

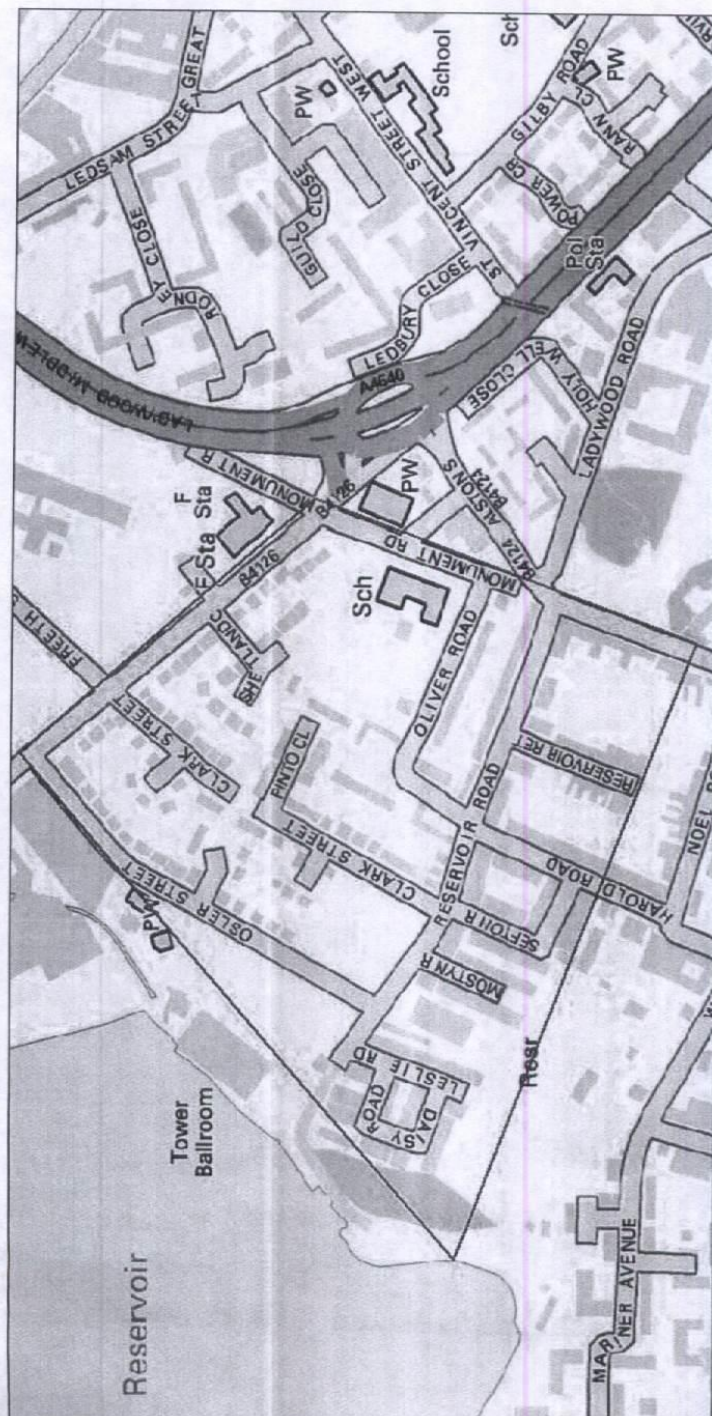
Annex 4 – Plans

KEY TO LICENSED AREAS
 T Sale and Supply of Alcohol – on and off sales
 H Hot food after 23.00
 J Regulated entertainment

REF NO. 21 400 NIT
 INITIALS

REGULATORY LICENSING
 DATE 21/01/2010





Map Notes

Map Created By:
Date of Map Creation: 17/10/2016

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Map Created By:

Date of Map Creation: 14/03/2017

Notes



Scale:
1:4,000

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Date of Map Creation: 14/03/2017

Notes



Scale:
1:1,250

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Report to:	Licensing Sub Committee C
Report of:	Acting Director of Regulation & Enforcement
Date of Meeting:	Wednesday 22nd March 2017
Subject:	Licensing Act 2003 Temporary Event Notice
Premises:	Tower Ballroom, 101 Reservoir Road, Edgbaston, Birmingham, B16 9EE
Ward affected:	Ladywood
Contact Officer:	David Kennedy, Principal Licensing Officer 0121 303 9896 licensing@birmingham.gov.uk

1. Purpose of report:
To consider the objection to the Temporary Event Notice (TEN), which seeks to permit the sale of alcohol (for consumption on the premises only), the provision of regulated entertainment and the provision of late night refreshment on Saturday 1 st April 2017 to operate from 5:30pm to 12:00am.

2. Recommendation:
To consider the objection notice made by Environmental Health.

3. Brief Summary of Report:
A Temporary Event Notice was received on 8 th March 2017 in respect of the Tower Ballroom, 101 Reservoir Road, Edgbaston, Birmingham, B16 9EE.
An objection notice has been received from Environmental Health.

4. Compliance Issues:
When carrying out its licensing functions, a licensing authority must have regard to the Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003.
4.1 Consistency with relevant Council Policies, Plans or Strategies:
The report complies with the City Council's Statement of Licensing Policy and the Council's Corporate Plan to improve the standard of all licensed persons, premises and vehicles in the City.

5. Relevant background/chronology of key events:
<p>Miss Vicky Sherwin submitted on 8th March 2017 a Temporary Event Notice in respect of the Tower Ballroom, 101 Reservoir Road, Edgbaston, Birmingham, B16 9EE.</p> <p>The Temporary Event Notice is attached, see Appendix 1.</p> <p>An objection notice has been received from Environmental Health, see Appendix 2.</p> <p>The current premises licence is attached at Appendix 3.</p> <p>Site location plans are attached, see Appendix 4.</p> <p>Under the licensing system of TENs, no actual permission is required to carry out a licensable activity on a temporary basis. An applicant must merely give notice of his intentions to operate a licensable activity to the licensing authority.</p> <p>However, the police or local authority exercising environmental health functions may intervene to prevent such an event taking place or agree a modification of the proposed arrangements, and their intervention may in some cases result in the licensing authority imposing conditions on a TEN.</p> <p>Where a TEN is submitted, the licensing authority must consider the objection(s) at a hearing before a counter notice, or a notice including a statement of conditions can be issued.</p> <p>When giving a TEN, consideration should be given to the following four licensing objectives:</p> <ol style="list-style-type: none"> 1. The prevention of crime and disorder 2. public safety 3. The prevention of public nuisance; and 4. The protection of children from harm <p>If the TEN is in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TEN if it considers that this is appropriate for the promotion of the licensing objectives.</p>

6. List of background documents:
<p>Temporary Event Notice, attached at Appendix 1.</p> <p>Objection Notice from Environmental Health, attached at Appendix 2.</p> <p>Premises Licence, attached at Appendix 3.</p> <p>Site location plans, Appendix 4.</p>

7. Options available
<p>Allow the proposed temporary licensable activities as stated in the TEN</p> <p>Impose conditions on a TEN to promote the licensing objectives</p> <p>Refuse the proposed temporary licensable activities as stated in the TEN</p>



Birmingham City Council, Licensing Section, P.O. Box 17013, Birmingham, B6 9ES

Temporary Event Notice

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. Your name			
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input checked="" type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname	Owen		
Forenames	Judy		
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)			
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname			
Forenames			
3. Your date of birth		Day	Month
4. Your place of birth			
5. National Insurance Number			
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)			
Post town		Postcode	
7. Other contact details			
Telephone numbers			
Daytime			
Evening (optional)			
Mobile (optional)			
Fax number (optional)			
E-Mail address (if available)			
8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)			
Tower Ballroom Reservoir Road.			
Post town		Postcode	
Birmingham		B16 9EE	
9. Alternative contact details (if applicable)			
Telephone numbers:			
Daytime			
Evening (optional)			

Scanned by CamScanner

Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	

Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references)
(Please read note 2)

THE TOWER Ballroom
Reservoir Road
Edgbaston, Birmingham B16 9EE

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.

Premises licence number

Club premises certificate number

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)

All of the venue

Please describe the nature of the premises below. (Please read note 4)

Ballroom Dancing with a live Band.
Banqueting + Dance Room.

Please describe the nature of the event below. (Please read note 5)

Ballroom Dancing with live Band.

Licensable activities	
Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)	
The sale by retail of alcohol	<input checked="" type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input checked="" type="checkbox"/>
The provision of regulated entertainment	<input checked="" type="checkbox"/>
The provision of late night refreshment	<input checked="" type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 7)	<input checked="" type="checkbox"/>
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)	1/4/17.

Saturday 1st April 2017.

Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)

from 9.30pm - 12.00am.

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)

400

If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 11)

On the premises only

☒

Off the premises only

☐

Both

☐

Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment. (please read note 12)

Dancing from 6pm - 11.30 pm.
with live Band and DJ.

Do you currently hold a valid personal licence? (Please read note 13)

Do you currently hold a valid personal licence?

Yes

No

(Please tick)

☒

☐

If "Yes" please provide the details of your personal licence below.

Issuing licensing authority

Birmingham City Council.

Licence number

3683/1

Date of issue

15/5/2017.

Date of expiry

Any further relevant details

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? (Please read note 14)

Yes

No

☒

☐

If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year	2	
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.	2	
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

I have: (Please tick the appropriate boxes)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input checked="" type="checkbox"/>
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	<input type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Made or enclosed payment of the fee for the application	<input checked="" type="checkbox"/>
Signed the declaration in Section 9 below	<input checked="" type="checkbox"/>

8. Condition (Please read note 17)

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 18)

The information contained in this form is correct to the best of my knowledge and belief.

I understand that it is an offence:

- (i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine not exceeding level 5 on the standard scale; and
- (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.

Signature	
Date	6/3/2017
Name of Person signing	Vicky Sherwin

For completion by the licensing authority

10. Acknowledgement (Please read note 19)

I acknowledge receipt of this temporary event notice.

Signature	
Date	On behalf of the licensing authority
Name of Officer signing	08/03/17
	ARMUNDER DHILLON

NOTES**General**

In these notes, a person who gives a temporary event notice is called a "premises user".

The police and local authority exercising environmental health functions may intervene on the grounds of any of the four licensing objectives (the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm) to prevent the occurrence of an event at which permitted temporary activities are to take place or to agree a modification of the arrangements for such an event. However, the licensing authority will intervene of its own volition in the cases described below.

First, it will issue a counter notice if there is an objection to a late temporary event notice (see note 7 below).

Secondly, it may issue a notice in relation to its decision to impose conditions on a temporary event notice (see note 2 below).

Thirdly, it will issue a counter notice if the first, second, third and fifth of the limits set out below would be exceeded. If any of the limits below are breached or if a counter notice has been issued, any licensable activities taking place would be unauthorised and the premises user would be liable to prosecution. The limitations apply to:

- the number of times a person may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people);
- the number of times a person may give a late temporary event notice (10 times per

Appendix 2

From: Paul R. Samms
Sent: 13 March 2017 15:31
To: Licensing
Cc:
Subject: FW: Temporary Event Notice for the Tower Ballroom, 25th March & 01st April 2017
Attachments:

Afternoon,

As representative of Environmental Health, I hereby object to the above TENS submitted for events at The Tower Ballroom, Reservoir Rd, Birmingham, B16 9EE on grounds of likely public nuisance.

Regards,

Paul Samms
Environmental Protection Officer

Environmental Protection Unit
Environmental Health
Manor House
40 Moat Lane
Digbeth
Birmingham
B5 5BD

Environmental Health, Regulation & Enforcement, Birmingham City Council, PO BOX 15908, Birmingham, B2 2UD

Website: <http://www.birmingham.gov.uk/eh>
Facebook: <http://www.facebook.com/ehbham>
Twitter: <http://www.twitter.com/ehbham>
Flickr: <http://www.flickr.com/photos/envhbham>

"Locally accountable and responsive fair regulation for all - achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors"

BIRMINGHAM CITY COUNCIL

LICENSING ACT 2003

PREMISES LICENCE

Premises Licence Number:

3043 / 6

Part 1 - Premises details:

Postal address of premises, or if none, ordnance survey map reference or description

Tower Ballroom
101 Reservoir Road
Edgbaston

Post town:

Birmingham

Post Code:

B16 9EE

Telephone Number:

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

- | | |
|----|--|
| B | Films |
| C | Indoor sporting events |
| D | Boxing or wrestling entertainment |
| E | Live music |
| F | Recorded music |
| G | Performances of dance |
| H | Anything of similar description to that falling within (live music), (recorded music) or (performances of dance) |
| M3 | Sale of alcohol by retail (both on & off the premises) |

The times the licence authorises the carrying out of licensable activities

Monday - Sunday 10:00 - 22:15 B ,C ,D ,E ,F ,G ,H & M3

The opening hours of the premises

Monday - Sunday 10:00 - 22:45

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

On and Off Supplies

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Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Mr Peter Singh Sangha	
Post town:	Post Code:
Telephone Number:	
Email	

Registered number of holder for example company number or charity number (where applicable)
--

Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol Sital Lally	
Post town:	Post Code:
Telephone Number:	

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol	
Licence Number	Issuing Authority

Dated 01/11/2016

David Kennedy
Principal Licensing Officer
For Director of Regulation and Enforcement

BIRMINGHAM CITY COUNCIL

Annex 1 – Mandatory Conditions

No supply of alcohol may be made under the premises licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises— (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to— (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or (ii) drink as much alcohol as possible (whether within a time limit or otherwise); (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective; (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective; (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either— (a) a holographic mark, or (b) an ultraviolet feature.

The responsible person must ensure that— (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures— (i) beer or cider: ½ pint; (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and (iii) still wine in a glass: 125 ml; (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."

(1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price. (2) In this condition:— (a) "permitted price" is the price found by applying the formula $P = D + (D \times V)$, where— (i) P is the permitted price, (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol; (b) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979; (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence— (i) the holder of the premises licence, (ii) the designated premises supervisor (if any) in respect of such a licence, or (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence; (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994. (3) Where

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the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny. (4) Where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendation made: (a) By the British Board of Film Classification (BBFC), where the film has been classified by that Board, or (b) By the Licensing Authority where no classification certificate has been granted by the BBFC, or, where the licensing authority has notified the licence holder that section 20(3)(b) (s74(3)(b) for clubs) of the Licensing Act 2003 applies to the film.

Each individual assigned to carrying out a security activity must be licensed by the Security Industry Agency.

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Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

Doorstaff profiles to be kept on the premises; to include photo I.D. (other than their SIA badge), and a utility bill which must not be dated later than 6 months previous. Such profiles to be available for inspection by the Police or local authority any time and kept in a secure location. If any door supervisors leave the premises, the profile to be retained on the premises for at least 3 months, following their departure.

All staff will be trained in relation to their responsibilities and liabilities under the Licensing Act 2003 before being authorised to serve alcohol. Records of training will be kept on the premises and made available for inspection by any of the relevant authorities upon reasonable request.

The provisions of regulated entertainment shall take place indoors only.

No adult entertainment, services, or activities permitted on the premises.

2b) Conditions consistent with, and to promote the prevention of crime and disorder

CCTV will be provided and maintained to the reasonable requirements of West Midlands Police, images will be kept for a minimum of 30 days and produced to the statutory authorities upon reasonable demand.

Door staff will be employed at the premises as necessary to the reasonable requirements of West Midlands Police.

If the premises use a new promoter for an event, which is not part of the standard operating procedure/standard core business, then a separate risk assessment will be completed and forwarded to Steelhouse Lane Licensing Department (or any other officer or police station as may be advised to the premises licence holder or designated premises supervisor in writing) at least 28 days prior to the event taking place or any other period that may be agreed.

The premises licence holder or designated premises supervisor will supply a risk assessment for all events that are held at the premises, which are not part of the standard operation procedure/standard core business, giving 28 days notice (or any other period that may be agreed) to Steelhouse Lane Licensing Department (or any other officer or police station as may be advised to the premises licence holder or designated premises supervisor in writing)

The premises must operate an incident book and record all incidents that occur inside and immediately outside the premises. The Incident book to be made available for inspection by any of the relevant authorities upon reasonable request.

All events that are not part of the standard operating procedure/standard core business will be notified in writing to Steelhouse Lane Licensing Department (or any other officer or police station as may be advised to the premises licence holder or designated premises supervisor in writing) giving 28 days notice or any other period that may be agreed.

The premises will implement and put in to practice a drugs policy and a lost/found policy for the venue as approved by West Midlands Police.

2c) Conditions consistent with, and to promote, public safety

The Licence Holder shall comply with Building Regulations and reasonable recommendations of the Fire Safety Officer.

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2d) Conditions consistent with, and to promote the prevention of public nuisance

The licence holder shall ensure there is adequate supervision maintained of persons leaving the premises. Notices will be placed at each exit and at the exit of the car park asking patrons to leave quietly and considerately towards neighbouring residents.

2e) Conditions consistent with, and to promote the protection of children from harm

No enforceable conditions identified from operating schedule.

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Annex 3 – Conditions attached after hearing by licensing authority

3a) General committee conditions

Licensing Sub Committee B resolved on 16th February 2016 to revoke the premises licence however on appeal to Birmingham Magistrates Court District Judge Robinson resolved to re-instate the Premises Licence subject to modification of hours during which licensable activities can take place, modification of the opening hours of the premises and imposition of additional conditions as detailed under the relevant objective below.

Modification of hours for the provision of all licensable activities & opening hours:

All licensable activities are to cease at 10.15pm daily.

The premises is to be closed and cleared of customers by no later than 10.45pm daily to allow for the dispersal of customers into the surrounding area.

The provision of licensable activities are therefore restricted to taking place between:

10:00am - 22:15 hours Monday to Sunday

The premises can only be open to the public between:

10:00am - 22:45 hours Monday to Sunday

3b) Committee conditions to promote the prevention of crime and disorder

N/A

3c) Committee conditions to promote public safety

N/A

3d) Committee conditions to promote the prevention of public nuisance

Doors and windows:

The Licence holder must ensure that all windows and doors are kept closed during the provision of regulated entertainment save for access or egress.

Traffic Management Plan -

The Licence holder must design, implement and enforce an effective traffic management policy for all events held at Tower Ballroom to include as a minimum the following:

a.

A formal written risk assessment for each event.

b.

A written traffic management plan for each event.

c.

Upon the Chair of any Residents Association or Committee representing a number of residents living within the zone marked in red on the attached map writing to the Premises Licence Holder to notify the Premises Licence Holder of the existence of such an Association or Committee, the Premises Licence Holder is to consult with that body within 28 days of first notification of the outcome of the appeal and at least every 3 months thereafter. The Premises Licence Holder must provide all such bodies with a list of events booked at

BIRMINGHAM CITY COUNCIL

the time of each quarterly consultation to include the start and finish times for the event.

d.

A written record of any complaints received about traffic management or parking problems and any remedial action taken.

e.

Copies of all documents relating to the traffic management policy to be kept and made available for inspection at the premises by any Responsible Authority.

Terminal Hour / Closure Time / Dispersal Policy:

The licensable activities are to cease at 10.15pm.

The Licence holder must design, implement and enforce an effective dispersal policy in respect of any event where a licensable activity continues after 9.30pm to include requirements that:

a. Door supervisors must remain on duty for 15 minutes after the closure time to aid the dispersal of customers from the immediate vicinity of the premises.

b. Any traffic management personnel must remain on duty for 30 minutes after the closure time of the premises to aid the dispersal of customers from the surrounding area.

The premises is to be closed and cleared of customers by no later than 10.45pm to allow for the dispersal of customers into the surrounding area.

3e) Committee conditions to promote the protection of children from harm

N/A

Annex 4 –
Plans

KEY TO LICENSED AREAS
T Sale and Supply of Alcohol – on and off sales
H Hot food after 23.00
J Regulated entertainment

REF NO. 21 400 R/R
INITIALS

REGULATORY
LICENSING
DATE 21/01/2010

BCC
LICENSING
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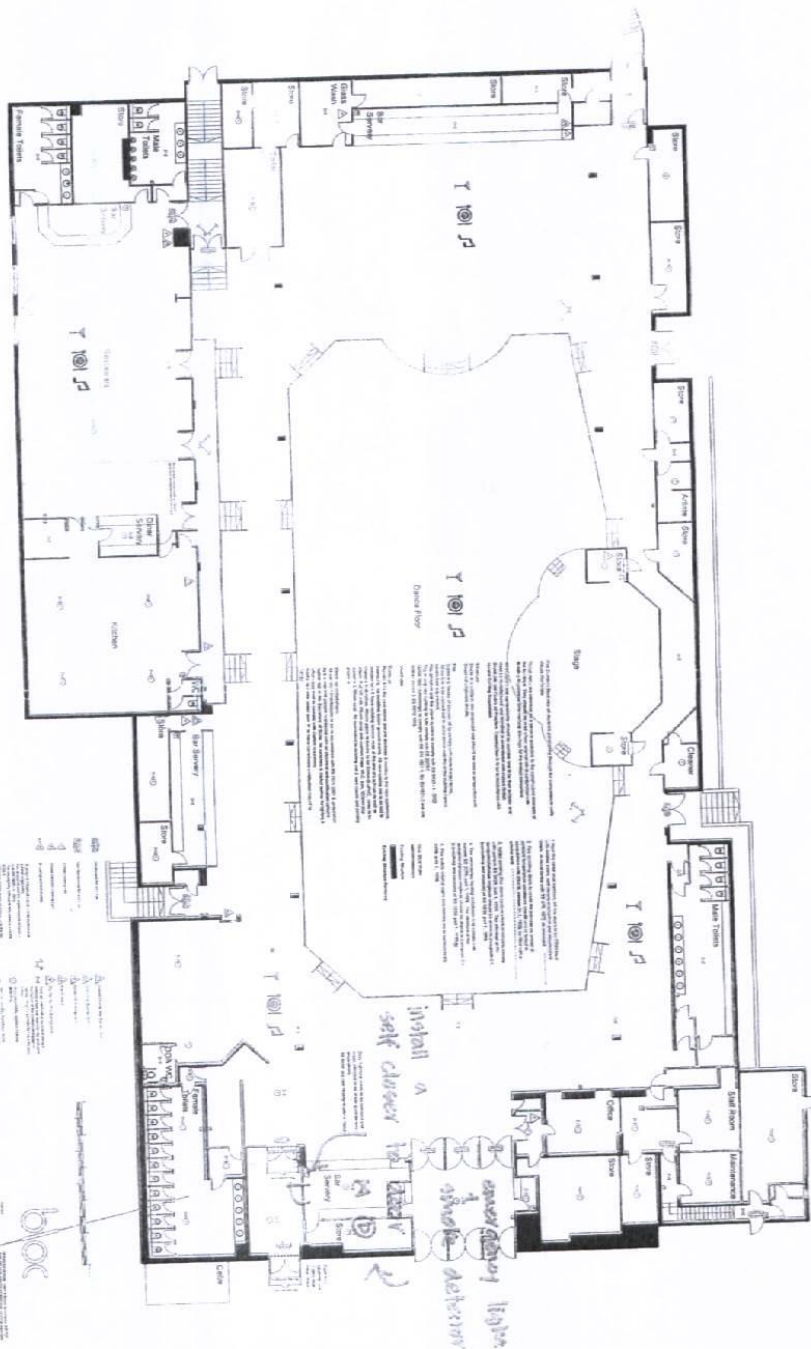
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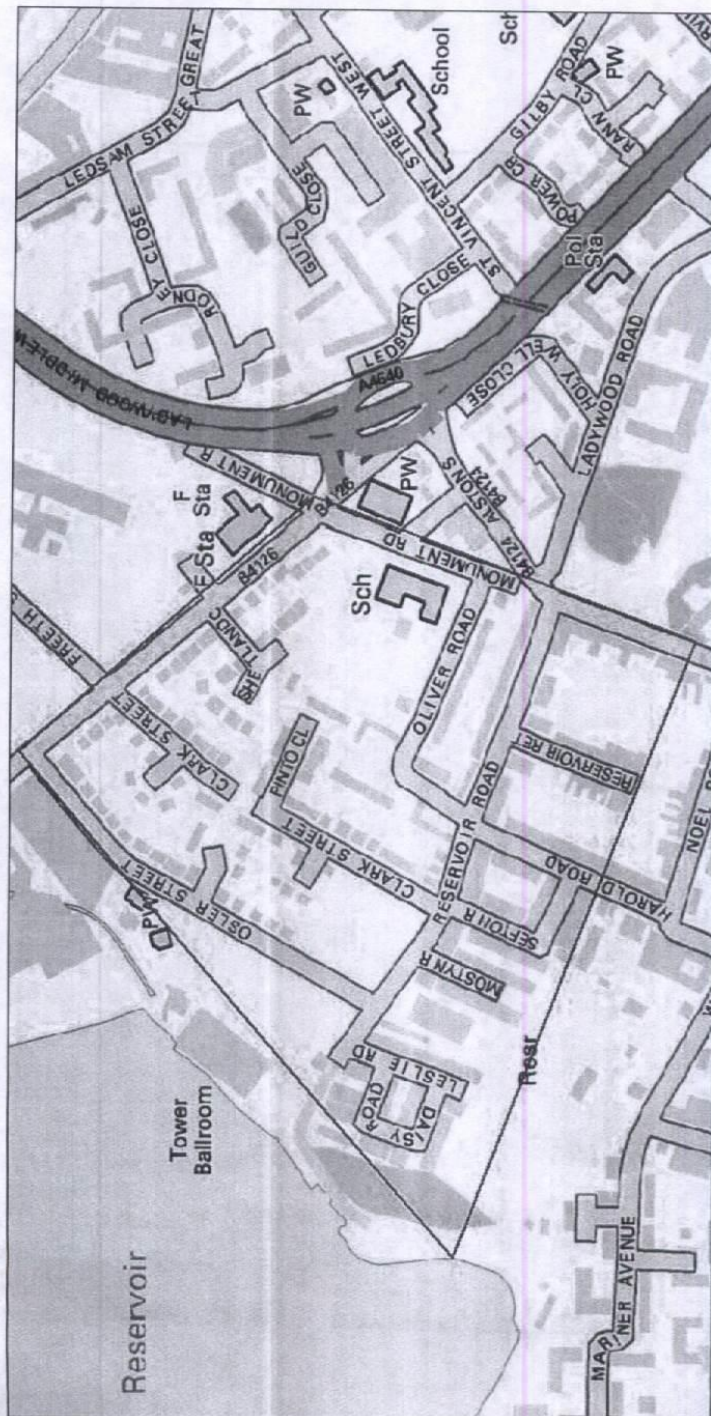
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Map Notes

Map Created By:
Date of Map Creation: 17/10/2016

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Notes



Scale:
1:4,000

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Scale:
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